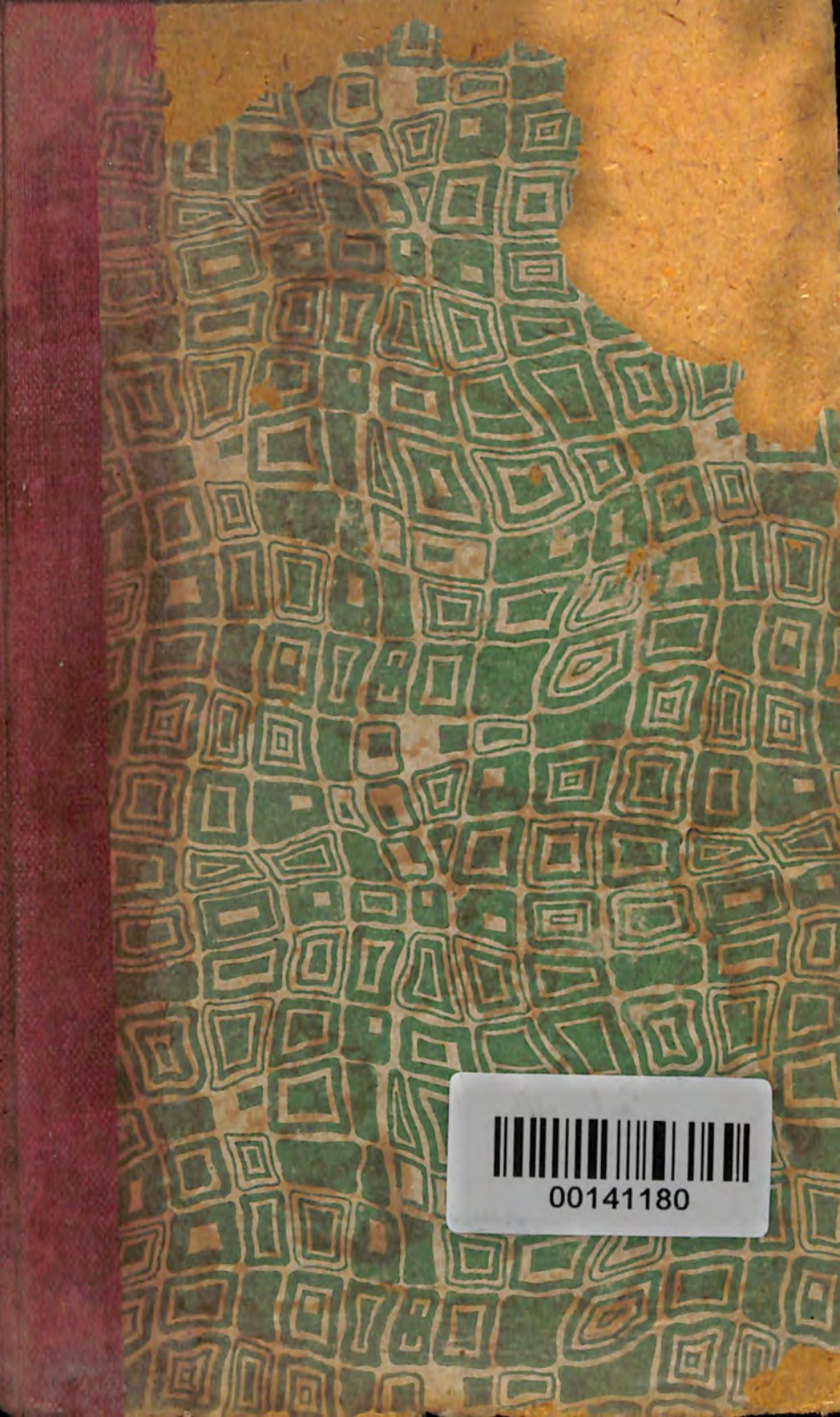
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HISTORY OF SCOTLAND,

FROM

THE REVOLUTION TO THE EXTINCTION

OF THE

14 1 80

LAST JACOBITE INSURRECTION.

(1689–1748.)

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BY

JOHN HILL BURTON.

IN TWO VOLUMES.

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HISTORY

OF

SCOTLAND.

CHAPTER I.

The Revolution as an Epoch—The Vote of Forfeiture—The Claim of Right—The Grievances to be redressed—The manner in which the Crown was offered—The critical position of the Convention—Who suffered from the Revolution?—Who profited by it?—The new King's Advisers—Hamilton—Craufurd—Melville—The Dalrymples—The Statesmen and their religious sincerity—Carstairs—The Covenanters of the West—Their position at the juncture of the Revolution—Their treatment of their own and other Clergy—Their heroes—Sir Robert Hamilton—The Cameronian Regiment—The Protestations against the Revolution Settlement—The influence of the extreme Covenanters.

It was on the 4th of April of the year 1689, that the Convention of Estates of Scotland declared the throne vacant, and accomplished the revolution of the monarchy. The event has been chosen as the starting point of a new period in Scottish history, which has its natural conclusion sixty years later. By the Revolution old contests were extinguished, but new disputes arising out of their ashes waxed great and formidable. Arbitrary power was broken, but in its stead the dread of national subjection to a powerful neighbour excited even bitterer jealousies and sterner resentment. A high spirited people, determined not to submit to either of the alternatives—conquest or absorption—which are ever bringing smaller states within the circle of their greater neighbours, re-

sented so fiercely all assumption of superiority, and all haughty claims of exclusive right, that the wise statesmen of the day saw no remedy for an indefinite train of national conflicts, but a combination of the citizens of the two kingdoms into a new state, where all should enjoy the same rights and privileges. The bargain between two independent governments, calculated to secure equal rights to the citizens of each—an act of statesmanship unprecedented in the history of man—was at last adjusted after several failures. But with all the skill and labour bestowed on it, there remained elements of discord which, perhaps, it lay not in human genius at once to reconcile, and these ever smouldering, occasionally burst forth into combustions, which, for nearly half a century, imperiled the existence of the united government, until the fusion became final, and the energies long devoted to rivalry and strife combined to promote the interests of one great Empire.

With the political, social, and warlike incidents in which this march of national progress is developed, a chapter in the history of religion is entwined. A church which had been associated with despotic influence was overthrown. Among its opponents of different shades of thought and character, skilful men constructed an ecclesiastical polity which they held to be moderately in conformity with the desires of the people. But, in its very construction, they sowed within it the seeds of future dispute and rupture, which, growing to maturity side by side with the political disputes, served for a time to deepen their intricacy; while instead of arriving, with these secular contests, at a satisfactory conclusion, they resolved themselves into those enduring ecclesiastical divisions of opinion, which, arising in a new form, have caused so much interest and excitement even in the present day.

Such is the general tenor of the events of which the following pages profess to furnish a circumstantial narrative.

The Vote of Forfeiture contained a rapid arraignment of the fugitive monarch for the offences held to justify the doom pronounced on him. Among these, his efforts for the establishment of popery are of course conspicuous. They are followed by a catalogue of outrages against the liberties and rights of the people of Scotland:—He had converted the limited monarchy with which he was intrusted into an arbitrary despotism; he had imposed oaths and tests contrary to law; he had exacted money without consent of Parliament; he had covered the country with an irresponsible and oppressive standing army not sanctioned by the constitution; he had made the soldiers of this army supersede the constitutional judges, and inflict penalties, which reached even to death itself, without legal trial; he had extended the use of judicial torture beyond its legal limits; he had imposed fines and forfeitures, without trial or on stretches of old obsolete laws; he had suppressed the privileges of the municipal corporations, because they were a refuge from his tyranny; he had corrupted and intimidated the bench, dictating the judgments they were to give, and altering the constitution of the courts to make them pliant. For all these offences, "The Estates of the kingdom of Scotland find and declare that King James the Seventh, being a profest papist, did assume the regal power and acted as king without taking the oath required by law, and hath by the advice of evil and wicked councillors invaded the fundamental constitution of this kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same to the subversion of the protestant religion and the violation of the laws and liberties of the nation, inverting all the ends of government, whereby he hath FORFAULTED the right to the crown, and the throne is become VACANT.'*

* In an unauthenticated, but apparently accurate, copy of the minutes of the Convention, it is said to have been unanimously agreed to that the word

Thus by one vote the revolution was completed. The declaration had been prepared for the acceptance of the house by a committee, and the same committee was immediately appointed to prepare an act for settling the crown upon William and Mary, then king and queen of England.

The Scottish Estates in Parliament thus at once assumed the right, as the people's representatives, to declare that a king had forfeited his throne, and to elect a successor. The simple logic of the act, and the bold sententiousness in which it was expressed, have sometimes been favourably contrasted with the hesitating deliberations and inconsistent announcements of the two houses in England, which, seeming to make out that the throne had become vacant in the course of natural events, without their intervention, endeavoured to apply the usual daily tactics of Parliament to its unusual position; and in their desire to adhere to precedent, contradicted in their words the great act in which they were engaged. But the Scottish Estates had not been accustomed to pursue, like the English Parliament, a deliberative system founded on long precedent, adjusted by much transaction of difficult legislative business—a system tending strictly to define rights and privileges—promotive of deliberation and protective of all interests from hasty conclusions—a system which has ever shrunk from novelties, and sought the protection of the country's liberties in the wise adjustment of established forms rather than in hasty change. The Scottish Parliament, existing in a more disturbed country, among institutions far less definite and firm, and with much less business to transact, was accustomed to give more immediate and emphatic voice to the power, what-

"forefault" in the resolve should imply no other alteration in the succession, than the exclusion of king James himself, of "the pretended prince," and of the issue of either of them. This was for the purpose of keeping unquestioned the claims of Mary, believed to be the true heir to the throne by those who held the infant prince no child of James's queen.—*Minutes of Convention*, MS., Adv. Lib.

ever it might be, prevailing for the moment within its walls. It was the policy of the later Stewarts to encourage this impulsive spirit, rather than to promote deliberation and legislative adjustment. They liked no parliamentary discussion, but arranged the business so that, from time to time, they might carry great court measures, not step by step, through investigating committees and conflicting houses, but by a single vote; and now they reaped the fruit of their bad policy, and a single vote undid it all.

But the present occasion—unexampled in urgency since the reformation in religion had been carried by a vote of the Estates in 1560—made the rapid application of the command possessed by a revolutionary majority in the house a matter of personal safety. Few deliberative bodies have ever assembled under conditions of like excitement and danger—certainly no parliament in the United Kingdom ever did. The Long Parliament, with its various alarms, which were more for the sacred inviolability of the house than the personal safety of the members, was never exposed to the same risk of actual violence; and, indeed, we must look to Paris in later times, and think of the French Convention in Thermidor, or before the day of the Sections, ere we can understand the feelings in which the Convention of Estates transacted the nation's business. Sitting, speaking, and voting in that assembly, were men outlawed and virtually condemned, who were now rulers, and might be expected to take vengeance on the statesmen sitting on the other side of the room who had sought their lives. But among these was the dreaded and unscrupulous Dundee, ready to bring his troops to the door, and fall on the revolutionary majority like a conventicle of the hillmen, if he got encouragement to act,—and he was not one to hide his enmity or hesitate to strike on the first fair opportunity. The Castle held out for the departing government, and it might easily throw a shell into the Conven-

tion. Dundee's troopers were seen in the streets by the members as they came and went. On the other hand, the stern Cameronians of the west, who had shown their capacity so signally in battle, who had so many injuries to avenge, and whose nature had so little of the placability of the Master they professed to follow, swarmed in the city, and were ready to be led forth against the enemies of their cause and of themselves. They were men whose firm singleness of purpose, and resoluteness of action in the one direction they thought right, were sometimes more feared than liked even by the friends of the Revolution. If Dundee's presence was the token that daring and violent counsels might be apprehended, he and his friends had, at the same time, abundant ground for personal solicitude. Along with Mackenzie, who had earned an unenviable reputation as the crown-lawyer of the persecution, he sought the protection of the house against plans of assassination. It was shown that as he passed through the streets, some Covenanter had spoken to another about serving the dogs as *they* had served better men;* but the Convention did not deem that a case had been made out justifying interference for the protection of men likely to be only too formidable.

No man deliberating and voting in the Convention could say in how many hours or minutes he might have to fight an equal enemy, or flee before an overwhelming force. It was a time for immediate and stern action rather than debate. The parliament of England met in peace and safety, for if there were to be a civil war there, it would be deliberate and systematic; and the very largeness of the forces likely to be engaged made a calm all around, within the influence of which the legislature could proceed deliberately with its labours.

* The threats issued against Dundee, so extremely natural, have been doubted, but the statement of Balcarras is confirmed by the Minutes of Convention.—*MS.*, Adv. Lib.

The decision of the English Parliament was no doubt a great strengthener to the revolution party in Scotland. It created a power on which they could in the end fall back, while it gave, in the meantime, an impetus to those prepared to seize this opportunity for getting rid of the careless and oppressive race of Stewart. Without such a supporting influence, the revolutionists might not have had their parliamentary majority; for owing to this and other disheartening causes, many legitimists lost an opportunity of mustering in the field where the battle was to be fought, by declining to join in electing representatives to a body which they called illegal. But with all the overwhelming strength of revolution principles in the Convention, violence was daily expected in the streets of Edinburgh, and on the floor of the Parliament House. At one juncture of their proceedings, it was announced to them that the formidable Dundee, who had just abruptly and angrily left their Convention, was seen by the citizens to ride at the head of a body of horse along the road corresponding with the southern front of the new town of Edinburgh, and alighting, to scramble up the western face of the Castle rock, and hold conference at a postern with the governor of the fortress. The scene caused general excitement and confusion without. Of its influence within, we are told that the doors of the Parliament House were locked, on the plea of preventing a treacherous minority from communicating with armed accomplices without. And thus the representatives proceeded with the business of the nation, uncertain whether the tumultuous sounds, which from time to time penetrated to their conclave, might not indicate that the matters before them were more sharply and rapidly settled elsewhere. It was in the midst of such exciting elements that this Convention went through its legislative duties, and it is wonderful that they were so well done.

In the transactions between the Convention and the

new monarch, there was a decorous acknowledgment throughout of the entire independence of the kingdom, and not a trace can be found of any desire to dictate to the Estates of Scotland either by the English Parliament or by the armed prince to whom they had given submission as their sovereign. Ireland was scarcely even noticed in the arrangement which carried her sovereignty as a dependence of the crown of England. But until he had taken the oath tendered to him by the Scottish Estates, William, in his intercourse with Scotland, was still merely the monarch of the neighbouring kingdom called England. He took a deep interest in Scotland. He suggested the convening of the Estates; he assisted their labours, permitting them to appeal to him as their director in the absence of a king. But he treated them, and they treated him, as if the choice might fall on the Prince of Orange and King of England, or might fall elsewhere. Had the Scottish Convention adhered to their old king, or made any other choice different from what England made, there would doubtless have been days of turbulence and ultimate humiliation for Scotland. But the fact is not the less noticeable, that a certain sternness and self-possession in the character of the country had purchased respect for its national independence; and the negociations went on, with no servility on the one side, and no assumption on the other.

On the 11th of April the Estates adopted a "Claim of Right," passing it along with an offer of the crown to William and Mary. This declaration involved in general a condemnation of those acts with which James had been already charged, as acts contrary to the laws and privileges of the kingdom; but they were evidently repeated on this occasion, that they might be more fully and comprehensively set forth, and accompanied by a claim of rights, forming the counterpart of the revised accusation. In the revised accusation and the Claim there are thus

some things not specifically contained in the Declaration of Forfeiture. Thus it was declared that no papist could be king or queen of the realm, or even hold any government office, and that no protestant successor could exercise the regal power before taking the coronation oath.*

By another paragraph, which will require attention when we come to the ecclesiastical history of the Revolution Settlement, it was declared that Prelacy, and the superiority of any office in the church, is a great and insupportable grievance contrary to the inclinations of the generality of the people, and ought to be abolished. It was demanded that, for the redress of grievances, and amending, strengthening, and preserving the laws, parliaments ought to be frequently called and allowed to sit, and freedom of speech and debate should be secured to the members. Along with these safeguards, were demanded a removal of the sources of judicial corruption, an appeal to the high court of Parliament, and protection to the subject from imprisonment without specific cause assigned, and from long detention without trial. Demanding these things as fundamental rights of the nation, this momentous document sets forth the reliance of the Convention on the Prince of Orange, as one who would surely perfect their deliverance and preserve them from the violation of their rights. Thereupon it declares William and Mary, then king and queen of England, France, and Ireland, to be also king and queen of Scotland; the reversion of the crown going to the longest liver, and the king administering the joint authority during both lives. The farther destination of the crown

* This doctrine was extremely offensive to the promulgators of the divine-right opinions of the later Stewart times, but it was never lost sight of by the constitutional parties in either kingdom; and Mr Allen, in his essay on the royal prerogative, aided by the minute knowledge of Sir Harris Nicholas, has shown it to be a distinct condition, by the old constitution of England, that no regal acts were legitimately performable until the monarch had sworn the coronation oath.

was, in the first place, to the heirs of the body of Mary; next to her sister Anne and her heirs; and, thirdly, to the heirs of King William. On the same day, the new monarchs were proclaimed at the ancient cross of Edinburgh. The sound of the ceremony reached the Jacobite garrison in the castle; and Gordon, the governor, was censured by his friends for not having thrown a shell into the crowd assembled round the heralds.

On the 13th of April, and before the Estates had held official communication with their new king, another string of resolutions was voted, called a Declaration of Grievances. The views of the Convention on the abuses of the past, and the requisites of the future government, were thus drawn up in three separate documents. As they are apt to leave a confused impression, it may be well here specifically to distinguish them. The first contained the abuses of government for which the Estates declared that King James had forfeited the throne. The second, called the Claim of Right, was a declaration containing the substance of the first document, with additions, intended to correct and complete it, and a series of demands corresponding to its complaints. The third was supplementary, containing amendments which the Estates desired from the new government, but which had not been set forth in the Claim of Right.

The first and most remarkable item of the supplementary document condemned the reference of legislative proceedings to Permanent Committees, and demanded free Parliamentary Discussion. This demand opened, as we shall find, a formidable question for immediate discussion. Another grievance was the act of 1649, which made the monarch head of the Church, not merely in the English sense of the term, as the first director of an established system, but with legislative powers over the very constitution and character of the ecclesiastical establishment. Among the other Grievances declared on this

occasion, were the imposition of customs or imposts by royal authority; the levying a standing army in time of peace without the consent of parliament; the want of effectual remedies against the depredations of the Highlanders; the trial and punishment of juries for finding verdicts against the crown; the marriage of the sovereign with a papist; and some minor judicial irregularities peculiar to the preceding reign, which were not likely to be repeated by a constitutional monarch. Two grievances were added to the list on the 24th of April; but they were, properly speaking, resolutions for bringing some other more important grievances under immediate discussion.

In the letter containing the offer of the crown, it was stated, that the commissioners were to attend with the offer, "and humbly to represent the Petition or Claim of Right of the subjects of this kingdom." As to the other document, they were instructed "to represent some things found grievous to this nation, which we humbly entreat your Majesty to remeid by wholesome laws in your first parliament." The crown was not offered with the specific condition that the king, in accepting it, agreed to accede to the Claim of Right, and remedy the Grievances. The etiquette of approaching a crowned prince scarcely permitted of so direct a bargain; and the coronation oath, more vague in its terms, became the only condition with which he engaged to comply. Yet it was understood, that in taking the crown, he accepted of it as a limited monarchy, and the documents, solemnly drawn up by those at whose hands he received it, were the specification of its limits. So far, however, was the offer from being directly conditional, that it was found necessary to proclaim the new king and queen a considerable time before their acceptance, in order that the business of the country might be conducted in the usual form.

Three commissioners were sent to London to convey

with due ceremony the offer of the crown. They were the Earl of Argyll, Sir James Montgomery of Skelmorlie, and Sir John Dalrymple—one from each of the three Estates, the Peers, the Barons, and the Burgesses. They were instructed to read the Declaration of Right to the king and queen, or to see it read, and to present to the king the list of Grievances. They were then to offer the oath, and see it sworn and signed. The oath was taken in the Scottish form, the monarchs standing, and holding up the right hand. As to the terms of this document, it was of that vague and rhetorical character which seems to be earnest while it avoids distinct stipulations, endeavouring to make up to those who might demand some specific line of policy, by the strong language used to express mere generalities. Besides the secondary conditions for the preservation of the property of the crown, those of a higher and more momentous character obliged the king, by potent imprecations, to be a good, and not a bad monarch; to profess the true and not a false religion; to give all aid and support to truth and righteousness, and to discourage heterodoxy and unrighteousness. He was to govern his people according to the true word of God and the ordinances of the true church. The only definite condition—and one which, on that account, created some discussion—was the concluding sentence, in these words, in reference to persons guilty of schism from the true religion, "and we shall be careful to root out all heretics and enemies to the true worship of God that shall be convicted of the true kirk of God of the foresaids crimes, out of our lands and empire of Scotland." The tolerant ear of the new monarch caught the denunciatory term, and he remarked, that he would not become a persecutor. But, according to usual practice, when pliant official people are met by objections of this sort, he was told that the words were but a form, and implied nothing in practice; and as the

Dutch soldier could not be expected to be deep in the casuistry of Scottish state-craft, he so accepted the oath, and endeavoured faithfully to perform it.*

The king addressed the Estates briefly, telling them that he and the queen had taken the oath, which, he said, "by God's assistance, we will religiously observe." Without any specific notice of the documents accompanying the offer of the crown, he attested the readiness of the queen and himself to protect the Estates, and assist them in making such laws as should secure their religion, liberties, and properties, and prevent or redress whatever might be justly grievous.

Thus stood the transaction before the world. A calm reliance on the part of the Estates—a dignified but general concurrence on the part of the king. But behind these outward emblems of cordiality lay the elements of unpleasant disputes, which broke into life when the Estates found their position firmer. In the subsequent debates, it was eagerly and angrily demanded of the three commissioners, if they had read the Claim of Right and Declaration of Grievances before the Oath, so as to make them a virtual condition, or had betrayed their trust by first disposing of the Crown, and then presenting those demands, which should have been conditions, in the shape of a supplication humbly laid before an invested sovereign. In these contests, to be presently described, the Earl of Argyll urgently demanded inquiry and exoneration from the parliament, praying that the odium and danger of suspicion in so weighty a matter might not lie with him. It turned out, that the suspicions of the opposition were not without foundation. Simple as the transaction appeared, there had been a material difference of opinion among the three commissioners; and Sir John Dalrymple was known to have proposed, that the oath should be

* Minutes of Convention. History of the Affairs of Scotland from the Restoration, &c., and of the late Great Revolution. By T. S. London, 1690.

taken in the first place, and then the redress of grievances should be desired after William had become king, "being the humble desire of the people." * Dalrymple was afterwards hard pressed by the opposition, who charged him with an attempt to betray the liberties of his country, and it is difficult to say whether this charge created the enmity entertained in parliament against him and his father, or, enmity otherwise suggested, led to the discovery of Dalrymple's subserviency.

Until the new king could appoint a ministry and assemble a parliament, the Convention had still the executive authority of the nation in their hands, involving much critical and important business. They acted in full house down to the 29th of April; when adjourning, they deputed their executive functions to a large committee. They were now, to a certain extent, protected by regular troops sent to Edinburgh by King William. Finding the Scottish troops in England, whither they had been moved on the crisis of his approach, he accomplished with some difficulty the politic arrangement of transferring them to his own country, judging that they could not be well trusted in a conflict with their old commander Dundee. On the other hand, almost from the date of their independence, the United Provinces had been accustomed to employ a Scottish force, called in Holland the Scottish Brigade, and in Scotland the

* On this curious difference, which lay at the root of much of the rancorous discussion in the Revolution Parliament, see the "Melville Papers," p. 158, *et seq.* There was, it may be noticed, much confusion and dubiety in the whole arrangements. Besides the diversity of forms in which the demands of the Estates were distributed, there was a discrepancy in the documents by which the commissioners were to be directed. In the Instructions to them, as already mentioned, the order of procedure was the reading of the declaration of grievances, and then the administration of the oath. But the statute appointing the commission laid down a different order—to present the Declaration of Right, then the Oath, and lastly present the Grievances. Where there were differences so considerable, it seems excusable if the commissioners did not think the order of arrangement material.

three Dutch Regiments. Commanding this force was a veteran officer, of an eminent Highland family, Hugh Mackay of Scoury, in Ross-shire. He had been thirty years in foreign service; and by honest sentiments, a pure life, and strict attention to his military functions, he had secured the good opinion of his master. He had reached Edinburgh on the 25th of March, intending to recruit his regiments, then in a mere skeleton condition, in Scotland. But, though thus protected, the Convention felt that the retreat of Dundee to the north, and the rumours they heard of gatherings among the clans, might cause an immediate struggle, in which they must act as the executive. They promptly strengthened the popular cause in the burrows, which had been subjected to nominees of the late government, by appointing new elections, under the supervision of persons named in the Convention. But their more critical duties were in the arming of the country. They called out the fencible-men in the districts where they could be trusted, and sanctioned the Earl of Argyll, Lord Kenmuir, Lord Blantyre, and other persons of territorial power and revolution opinions, in raising regiments. They authorised the Cameronians to form a regiment under Lord Angus. They gave authority and injunction to those who possessed towers or fortalicies to hold them for the revolution government, and issued orders of all kinds, from general levies down to foraging and victualling instructions; nor were these restricted to territorial operations, but comprehended the petty naval force which Scotland could then support, as well as the military levies.*

So early as the 13th of April, the Estates required

* Some of these orders were not very distinct, and admitted a pretty wide discretion. Thus, on 23d April, warrant is given to Captain William Hamilton and Captain John Brown, "to take upon their receipt any great guns where the same can be found, for the use of the two frigots which they are appointed to command for the public service."

all the clergy to pray publicly for the new king and queen, and to read from their pulpits the proclamation dethroning King James. This was the beginning of a policy fruitful in divisions and disputes of various kinds. In the meantime one of the most frequent functions of the Convention and their committee was an inquiry into the conduct of clergymen charged with having disobeyed the injunction to pray for the king and queen, and infliction of the penalty of deprivation when the charge was proved. They found it necessary to keep up a stringently inquisitorial survey of the conduct of the various persons who possessed any local or territorial power, many of whom were known to be waiting passively on the watch for decided indications to induce them to declare for the one side or the other. Any suspicious movements by those who were not very decidedly the friends of the Revolution were scrupulously noticed, and they were sharply questioned on matters which appear in themselves of a purely private and trifling character.*

It was resolved to compel all who had seceded to return to the Convention, or commit themselves to rebellion. The feudal institution of parliament sanctioned calls of the house, or injunctions for the attendance of members, whose contumacy was punished with forfeitures. And such an order was issued, with a condition that

* Thus, there are frequent inquiries as to the real health of those who profess to seek retirement, or to live "at the bath," on account of bodily ailments. There was of course a special watchfulness over those who held intercourse with Dundee. He had, for instance, dined with Lord Stormont at Scoon Palace, and the entertainer, when called on to give an account of his conduct, pleaded that the invitation was involuntary, since the formidable guest had taken his hospitality by force. "A missive letter from the Viscount of Stormont to the president was read, bearing that the Viscount of Dundee had forced his dinner from him at his house of Scoon on Saturday last, and therefore desiring that his intercommunion with him being involuntary might be excused." But the excuse was not deemed satisfactory, and he was required to repair to the committee to give further explanations.

those who failed to obey it should be treated as disaffected to the government. It was little likely that men who had thrown themselves into the Jacobite cause would respect such an injunction. Still it compelled the doubtful to declare themselves. On those who were supposed to have gone to England to avoid committing themselves, an ordeal was ingeniously brought to bear in the ceremonial of offering the crown. It was ordered that all the Scottish nobility and gentry who happened to be in England, should be present on that occasion; and the absence of any person of considerable importance became, of course, a very significant fact. The States, however wisely set themselves more zealously to secure friends than to punish enemies. Though a crop of state offences was fast ripening in the insurrection of Dundee and the private machinations of the Jacobites, there was but one man treated as a criminal for his conduct in the late reign. This was Drummond, Earl of Perth, the chancellor, who had become amenable to the law against the tenure of office by Roman Catholics. He endeavoured to escape abroad, but was caught and imprisoned under popular ebullitions of great violence and ignominy. This was the solitary instance in which the triumphant party showed a spirit of vindictive cruelty, and it is not unlikely that official title and other associations may have paralleled him in the popular mind with his ruffian fellow-chancellor Jeffries, whose desperate adventures among the sailors at Wapping were almost paraphrased by Drummond among the seafaring population of Leith and Burntisland. But Drummond, if he had been rash and too ready in his compliances, and not without reproach of cruelty, was a far more respectable man than his brother officer. He had not betrayed his religion, or sold himself to the promulgation of an alien creed. Though a convert in the nomenclature of his new, and an apostate in that of his old friends, he became a sincere, zealous,

and perhaps bigoted, member of the Church of Rome, who rather desired to retire to those countries where he could follow his new creed in fulness and safety, than to plot against his country and the religion which, to his great grief, it still obstinately retained.* And thus, after a somewhat rigorous imprisonment, the only statesman of the beaten system, against whom harsh measures were taken for past offences, was permitted to leave the kingdom, on giving security to remain abroad.

The body which had been conducting the business of the nation in the Parliament House of Edinburgh, was not, in the ordinary constitutional sense of the term, a meeting of the Estates. It was a Convention which had come together without royal authority. It was sometimes questioned, whether the exercise of the prerogative was absolutely necessary to the legal existence of the legislature in Scotland; but it was wise to give the body, as soon as possible, all formal sanctions. It was, for obvious reasons, safer policy to keep in existence an assemblage so strongly attached to the revolution, than to risk its unformed infancy in a new election. The Convention had in fact been suddenly created by the victorious strength of re-action against arbitrary power. Their body had, especially in the town constituencies, rather been constituted by popular acclamation than by a deliberate trial of elective strength; for, as we have seen, the royalist party, in a great measure, declined to countenance it. No succeeding Parliament, more deliberately chosen, would be likely so well to serve the purposes of the revolution party; and it was resolved that this assemblage should continue. In transmitting the offer of the crown, the Convention desired that they might be turned into a Parliament; and when we rejoin them on the 5th

* See "Letters from James, Earl of Perth," printed by the Camden Society.

of June, they will be found transacting business with as many sanctions of parliamentary authority as ceremony could impart to their substantial power.

In the mean time, indications of the new king's policy were naturally sought in the advisers he selected, and the persons whom he promoted to high office. A more difficult task than the disposal of the Scottish offices can not be conceived. The leaders of a triumphant revolutionary party, however few they may be, are more difficult to satisfy in the disposal of office, than a larger body attached to a settled government; because, where there has been suffering, exertion, and danger, every champion considers that he has earned his portion in the rewards of the victory, on which, like the spoil of a beaten enemy, there is a simultaneous rush. Every Scotsman of importance, who could claim alliance with the revolution party, proffered his guidance to the new king through the intricacies of his position. Each recommended him not to govern by a faction, or be led by those who had their own personal objects in view, but to follow out broad views of public interest; and each one concluded his advice with an offer of his own services to direct the monarch towards the broad views of public interest so recommended. The clustering of these gratuitous and expectant advisers round the king had become so troublesome to himself, and created so much jealousy and uneasiness among those who remained at their posts in Scotland, that the resort of members of the Convention to London was prohibited; and permission to repair to court could only be obtained by solicitation, much influence, and an explanation of the applicant's motives.

In looking to the king's position towards his necessary advisers, it must ever be remembered that the change in Scotland partook, far more than the example set by England, in the true character of the term applied to

both—a *revolution*. In England, with the one great exception, that the head was removed, the well-adjusted machine of government went on in undisturbed order. The dropping of the Great Seal in the Thames might have given more solid impediment to its motion, even than the change of kings. No alterations in the parliament touched its elementary constitution. The church saw some of her old dignitaries and servants depart, and new ones come; but she was still the same hierarchy of the Church of England. In Scotland the parliament demanded a new and more popular constitution, and a total change in its relative position to the crown, while the church had fallen into the hands of victorious opponents, to be entirely revolutionised. The totally distinct traditional characters of the two nations were indicated by the aspirants to office. In England, the class who had been accustomed to govern, remained placidly on the steps of the throne; and William, when he mounted it, found himself surrounded by the statesmen of the day, like any legitimate sovereign. But in Scotland, where the antecedents of the revolution were violent and bloody, and where it truly bore the character of the pent-up political waters breaking through and overflowing, the monarch was taught to seek his confidential advisers among those whose joints had been screwed in the thumbkins, who had been hunted by Claverhouse's dragoons, or had fled to Holland to evade the gibbet. It was speedily seen that the victorious party would allow no compromise, and that the king must let power and office pass to their hands. But it was at the same time part of his calm and resolute nature, to check their extremes; to permit no bloody triumph perpetuating and embittering political animosity; and not only to protect the fallen party, but feed it with hopes of possible participation in power when the first revolutionary blast was over. But at the commencement,

he felt that he must be in the hands of the triumphant party, who would immediately occupy all posts of power and emolument. While he and his immediate advisers were at a distance, and the practical executive on the spot, these must have a vast influence on the government, and must be to a great extent the leaders of that policy which appeared to be the policy of the crown. It was thus of supreme moment that, at all events, his representative in Scotland, the Lord High Commissioner, should not be a violent factionist. The Convention, in their selection of their own president, seemed to have smoothened his path over this difficulty; but the selection was not fortunate.

To be the fitting representative of his own calm but resolute mind, among such elements of disorder, he should have found a man of honesty and great firmness of character, uncommitted to the extremes of any of the several parties, and yet not hostile or offensive to any of them. The Duke of Hamilton, the president of the Convention, certainly answered these requisites, in not being the votary of an extreme faction; but his moderation was that of the vacillation which is pulled from side to side, not of the firmness which holds a straight adopted course. A peculiar capriciousness of political action—a wavering uncertainty which sickened all solid reliance,—seems to have been constitutional to that family, since it was still more conspicuous in the conduct of his son. Unlike the bold and profligate plotters of the age, their uncertainty lay in inaction, and in that most mischievous kind of it which leaves undone the business which it is essential to transact. Still, so indefinite and fugitive were the charges against them, that, though both father and son were angrily censured by their friends, yet their enemies even seem never to have established any damning fact against them. They retired from public wrath behind a haughty passiveness—took home no

accusations—gave no explanations, and neither defended themselves nor retaliated on others.

The Duke of Hamilton was elected president of the Convention by a small majority over his competitor the Marquis of Atholl. He stood first among the Scottish nobility—he was connected with the royal family—popular sanction was given to these claims by his elevation as chairman of the Convention. He was, from the effect of so many suggestive precedents, naturally selected by the king to represent him as Lord High Commissioner, when the Convention was turned into a parliament. On him was thrown, rightly or wrongly, the odium of interrupting the house in their zealous career of constitutional re-organisation; and he is said to have palpably neglected or despised the instructions which the king had given him for the direction of the public business. A message from the king seemed to confirm these negative charges, and to sound like a protest, that he, at all events, countenanced no motionless or obstructive policy.*

It was, perhaps, not much to the liking of the king that the party among which, as the promoters of the revolution, he was compelled to distribute office, was likewise characterised as the presbyterian party. The ecclesiastical history of the revolution settlement requires separate consideration; but here it is necessary to remark that those statesmen who were of the presbyterian party in politics, were not necessarily zealous presbyterians in religion.

* In the message, dated 31st of May, there is this passage:—"We have authorised our commissioner to pass such things into laws as have been lately under your consideration in relation to the Grievances, or whatever else might tend to the security of religion and the prosperity of that kingdom; and, accordingly, we did order a commission, and prepared instructions to our commissioner, empowering him to turn you into a parliament with your own consent; and likewise for establishing the church-government according to your desires and inclinations, and for redressing the laws and securing you against all the articles of your Grievances, whereby we have done all upon our part to render you happy and contented."

All the Scottish statesmen of the day seem to have had a sincere dislike and dread of popery, as of some formidable enemy from whom they had made a narrow escape. But many of the most zealous of those who took the name of the presbyterian party, were as purely eclectic and latitudinarian about the different shades of protestantism as secular statesmen can be. They found, however, the presbyterian zeal of the humbler classes to be an influential political engine, and they were resolved to wield it. The habits and manners of the class who governed had no community and little sympathy with those of the humbler peasantry and citizens, whose ecclesiastical denomination and professions they thus adopted as their own. In the factious, and occasionally flagitious, conduct sometimes shown by these statesmen, we shall see the natural influence of false professions, and especially the pernicious effect of professing religious motives when other motives are really in operation. The Earl of Craufurd, made chairman of the Estates, and a privy councillor, was the only statesman of the day who adopted the peculiar demeanour and scriptural phraseology of the covenanters. It is to him that Burnet and others attribute the severities against the episcopal clergymen and the guidance of the force brought to bear in the parliament and privy council in favour of a presbyterian establishment.* He certainly exercised great influence in the settlement of the church, but he was not one of those on whose counsels king William relied, or whom

* It is stated that this nobleman is the only statesman who adopted—whether sincerely or not—the covenanting demeanour and phraseology. This is said on the ground of a general acquaintance with the letters, reputed sayings, and general conduct of the men in question. Several of Craufurd's letters are to be found in the "Melville Papers," and they are sometimes amusing from the strong tissue of secular politics running through his religious zeal, and the earnestness with which he shows how effectually, in promoting his religion, he has served the cause of the king and merited consideration. In one of these, dated 31st December 1689, there are some mysterious

he promoted to offices of trust; and his position as the chairman of the Estates and of the Privy council was one of the incidental events of the revolution which rather interrupted than furthered the views of the revolution monarch.

The person who, if the monarch's chief official adviser is to be called the Prime minister, held that position in Scotland, was Lord Melville, who was appointed secretary of state. We shall see that his function as the Minister in the king's presence, while a greater officer—the Commissioner—acted at a distance, worked inharmoniously.

references to a letter written by him to the king, which Melville had opened, and he rather sarcastically says, "I am fully convinced your lordship, by inadvertency only, and from no design, opened it; and I am sensible there has been a good providence in it, that it went not forward until I made those alterations in it which your lordship has very kindly insinuated to me." And he then proceeds in this remarkable strain.

"I am much concerned at the continuing opposition to the presbyterian interest, and strong endeavours for restoring the other, and deeply weighted at the storm arisen against your lordship. If you quit your post, I desire a liberty likewise from the king to retire, for the same motives which render you unfit will lay me aside; and I incline to have no share in the civil government though I should be put to beg my livelihood, when I cannot serve the interests of Christ, his church and people, to any advantage, and without resiling in some measure from my principle, the adhering to which has given me peace, yea, comfort in my greatest straits. I hope in all the capacities I shall ever be trusted with, to serve his majesty faithfully and affectionately, not only out of duty to him as my king, but from a peculiar respect and love to his person; yet if he judges it his concern that presbytery be not established in this nation, I expect that favour of him that he conclude not my retiring a wearying in his service. If to preserve conscience I meddle not to better an interest that is very dear to me, and that I be allowed to pray for his person and the flourishing of his throne, when I am out of capacity of giving evidence of another kind, I am still of the same opinion as I was at first anent your lordship's management, that it is your truest policy to act for presbytery, with all the zeal that is consistent with knowledge. For though your lordship should be remiss, you will never be agreeable to the opposite party, and your appearing for God frankly will bring his blessing on your person and family; and a yielding to and complying with adversaries may provoke Him to pour out his wrath. It was Elijah's great commendation that he had been very jealous for the Lord God of hosts. Oh that this may be the motto of our family, though our condition should be among the meanest of the nation; and that we may be helped to follow God fully, avowedly, and without all reserve, for I am convinced none will be losers at his

He had been a forfeited fugitive on charges connected with Argyle's rising. He belonged to the presbyterian party, and that he had been persecuted, might seem a testimony to his sincerity. His trials were, however, less owing to the offensiveness of his religion, than to the attractiveness of his estates, on which the profligate statesmen of the previous reign cast hungry eyes. He was instrumental in creating the presbyterian establish-

hand in the long run; and those who venture for Him seldom want their reward here."—*Melville Papers*, p. 359, 360.

He apologises for not altering his usual style. With the clergy, and their followers of the humbler classes, it was a common one in that day, but in the statesman class, Craufurd stood alone in using it. It has the aspect of being employed by him with sincerity, at least without deliberate hypocrisy; but when Sir James Montgomery, of whose character some indications will presently arise, attempted on one occasion to deal in it, he was charged with rank hypocrisy. Those who, in their ordinary letters, came nearest to it, are the two old soldiers Mackay and Hill, whose recollections of military habits preceded the Restoration. But Craufurd himself does not always write in this pious strain, and he often comes forth as a very busy and adroit politician of this world. Thus, in writing to the same statesman, and intimating that he has found his lordship and Lord Stair suspected of a design to obstruct the settlement of presbytery:—"When I came to understand with some assurance that this was the prevailing argument, and that no private discourses would cure them of this mistake, I made a question to them if they found an equal readyness in your lordship's friends, and those of my Lord Stair, for the settling of presbyterian government, would they then be prevailed with to consider if your lordship and him as good countrymen, and forbear their insisting on new grievances? This has been my work yesterday in the afternoon, and all to-day, and with tolerable success."—*Ib.*, p. 90.

Before parting with Lord Craufurd, it may be worth while giving the peculiar expressions of exultation in which he claims credit for having fought the battle of prerogative in the appointment of the bench. He says, "Now that the matter is at an end, I may sincerely aver that I have laboured in it, first and last, as if the safety of my life and fortune had depended on it, the king's credit being equally dear to me as either of them. I stretched myself to the uttermost in public for taking off objections, and urged things in private by the best methods my weak reason could suggest to me. I would reckon myself a much better Christian than I am, if I had wrestled as much for the happiness of my soul, as many of both sexes have been importunate with me, either to forbear reasoning with me about that matter, or to act a worse part, to absent myself from the council, or to persuade others to that practice; yea, even to a further pitch of atheism, to pretend sickness and keep my bed."—*Ib.*, 304.

ment, but it is clear that in doing so he acted far more on political than on religious impulse.* Melville was not a remarkable man in any way, but he was useful, and far more honest than some who, as we shall presently see, thought he and his friends unworthily occupied the position which should have been theirs. In the parliament which assembled in 1690, he superseded the dubious Hamilton as Lord High Commissioner.

Every man raised to high and confidential offices at that time had some bitter enemies in persons who believed themselves better entitled to fill them. Two men, James Dalrymple Lord Stair, and his son Sir John Dalrymple, excited against them a personally political war of memorable ferocity, in which the assailants had some times too good vantage ground for attack. They were lawyers by profession, and though immediately received as confidential advisers of the king, it was in their professional department that they were first advanced to office.

Every body of men, great or small, has its conventional idols, who, towering above their brethren, look down on those even who are nearest to them as spread with the ordinary crowd on the plain below. Lord Stair has been in such fashion the unapproached head of Scottish law. The field was not a large one—very different indeed in its extent, intricacy, and importance to the world, from that on which the busy brain of Sir Edward Coke was ever wandering and gleaning. But to the

* Burnet says, "He was by his principles bigoted to presbytery, and ready to sacrifice everything to their humours; so he proved in all respects a narrow-hearted man, who minded his own interest more than either that of the king or of his country." This is a self contradictory character. If the first part of it were correct, it would have been to the interest of religion, not to his own, that he sacrificed his king and his country. Burnet had a natural dislike to the statesmen who carried through the presbyterian polity. He attacked them as bigots, but he would have been more just and more severe if he had said they were men generally of his own views, who adopted the presbyterian side as a political party solely.

field, such as it was, he brought so entire an intellectual command, both in knowledge and genius, that he made his labours within it illustrious. It is perceptible in his great professional book, called after the example of Justinian an Institute, that while other writers of like works seem generally to acquire knowledge as they write, and to enlarge their classification as they master their details, with him a comprehensive mind had laid out all the analysis by rules founded on a larger knowledge than the laws of a small country could supply, and thus each detail as it came up found its proper place, while the great outlines remained to some extent still unfilled. He was a philosopher in many other departments, and an intellectual ornament of a rather dark and unhappy age of Scottish literature. What he might have been had he shone in less evil days it is difficult to determine, for some have thought that his genius was of a kind which in calm times would have been comparatively sterile, and required the excitement of restless politics to rouse it into action. His career had been such as to place him among the most extensively hated of his countrymen. In the lottery which the convulsions of the previous thirty years had made in the distribution of office, he had drawn more prizes than were likely, as it was thought, to fall to the lot of an honest man. At the present day, when much of the minor malignity of such disputes is lost, and people only care for their main outlines, it only gives credit and strength to a host of fugitive malignant pamphlets, to find the illustrious Lord President publishing an apology for his conduct.*

* "An Apology for Sir James Dalrymple of Stair, President of the Session, by himself." It has been at least twice reprinted in late years, and will be found prefixed to Professor More's edition of his Institute. With his usual power of accurate analysis, he gives an abridgment of the charges against him thus: "The sum of all the charges against me is, that I have been a changeling, appearing first against tyranny and arbitrary government in the reign of King Charles I., and then turning for the same thing in the reign

He was a member of Cromwell's Commission of Justice, and retained his position at the restoration by being appointed a Lord of Session. When all official persons were required to take the declaration condemning the Covenant, he refused to do so. The law required that he should forfeit his office; but professing to pass abroad an exiled unemployed man, it fell to his lot to have audience of the king on his way, and the rather suspicious result was that the king refused to receive his resignation, and subjected him as a loyal man to the necessity of retaining his office. In 1676, he rose to the climax of his fortune by being chosen, while still in the full vigour of his powers, to the office of Lord President, to which he was afterwards re-appointed. He was thoroughly protestant in his principles, and cautiously stood out against the wretched severities which preceded the fall of the Stewarts. In the filling up of a new commission, he found himself noiselessly deprived of his office, and his official friends recommended him not to complain or draw attention to the change, but rather to travel abroad; and, with the other refugees, he found it suitable to reside in Holland.* He was thus one of the fortunate few who having attached themselves to the prince in his compa-

of King Charles II., and all under the mask of religion; and, having betrayed my country in accepting to be President of the Session upon the king's nomination, contrary to the Act of Parliament, by which the President of the Session is to be chosen by the Lords; and that I was concurring in all the evil things which were done during the Duke of Lauderdale's ministry, against the suffering presbyterians for their conscience, as being either author of, assistant in, or ready to justify these actings, and so no man was more stained and dyed with blood and oppression than I; and that the Reverend Mr Robert Douglas did threaten or foretell judgment to me and my family; and that the decisions of the Lords of Session, which I have published, are as obscure as the oracles of Delphos."

* He states in his Apology, that a minute investigation was made into his conduct, and that no act of bribery or gross injustice could be discovered, and then asks, certainly with a simplicity as to the qualities expected of judges, which it is wonderful to see in one of his ability, "Can any judge in Christendom show such a trial of integrity, who did so long a time serve in such an eminent station?"

rative obscurity, threw their fortunes into the venture of his expedition, and had claims on his notice far beyond those of the time-servers who had not borne the burden and heat of the day. The wise lawyer and erudite philosopher commanded the almost respectful attention of the young prince. He was far advanced in years, with a dignified demeanour, sedately pleasing in his manners, and rich in stores of practical knowledge far beyond the bounds of his profession. To some extent, both in his gifts and his weaknesses, his capacities and career suggest a parallel with the stained lustre of the fame of Bacon.

His son was a man of great but of less noted ability, and his name has been doomed to an unhappy celebrity by the affair of Glencoe. On him the monarch was almost invited to bestow trust and office by the Estates, who made him one of the Commissioners to offer the crown. Yet so dire a hatred arose against him, before the affair of Glencoe, and immediately on the commencement of his official life, that, in the course of the debates to be presently mentioned, he was in daily apprehension of a parliamentary committal to the Castle.

Though it was with much unwillingness that the king consented to the Presbyterian polity in Scotland, his most esteemed adviser, both in church and state, was a clergyman of that church. He seems to have considered himself safer in the hands of an honest presbyterian minister, than in those of statesmen who adopted the presbyterian cause for political objects.

This so peculiarly selected guide through the puzzling intricacies of the Scottish affairs, was the celebrated William Carstairs, who became principal of the University of Edinburgh, and was known from his great power in church and state by the alliterative title of Cardinal Carstairs. He had suffered greatly for the cause of the revolution, and shown valuable qualities of secrecy and sagacity. He

had been some years in prison, and his hand bore the mark of torture. After suffering inflictions which brought him near the gates of death, he consented to make certain revelations, and it was in this act that his discretion was shown. He gave some substantial information as to the past and defeated Ryehouse plot; but he was then in intimate correspondence with the Pensionary Fagel and other Dutch statesmen, who brought him deep into the secrets of the probable policy of the Prince of Orange. While driven to confession on the past and defeated plot, he kept his knowledge of intentions and possible future movements as close as the grave. A courageous zealot might have preserved entire silence, but this selection of revelations showed a discretion which, in the eyes of such a prince as William, was among the most valuable of human virtues. Carstairs had scarcely the rhetorical and literary talents of his rival Burnet, but he was entirely free of that prelate's foppish love of consequence and dangerous incontinence of tongue. He exhibited the rare phenomenon of a powerful churchman who could look beyond his order, and use his influence, not solely for the advancement of the church, but for the state too. But whether or not this was but a deeper plan for the success of his order, his services to the state were eminently beneficial to his church. It will be seen, indeed, that the moderated policy adopted by his advice kept in existence its presbyterian foundation, which more stringent measures on either side would have certainly sacrificed. It is rare that any man—that a clergyman especially—should have carried moderation, and a generous estimate of the claims of hostile religious bodies, through that ordeal of persecution which generally hardens every original element of illiberality, and burns out any sentiments of charity or toleration with which it may be leavened. On the whole, Carstairs ranks among remarkable

minds.* The revolution monarch had far more liking, and even respect, for this Scottish clergyman, than for many of those who legitimately, from old custom, inherited the rank of statesmen. Carstairs was much about his person, and indeed appears to have enjoyed nearly as large an amount of friendship as the Dutch king's self-relying and not communicative or genial nature was capable of imparting. Except Bentinck, it would be difficult to point out any one whom he so entirely esteemed and trusted as Carstairs.

This reliance, so far as it went, was entirely honourable to both. The revolution king was beyond that amiable weakness which, in monarchs or other arbiters of states, becomes a vice—of being led by favourite friends. He esteemed men only as they were useful to him—that is to say, as they helped on the policy for which he fought. Carstairs was such a one, and so he secured the esteem —almost the affection—of a master for whom he had the devotion which a clever man has for one still cleverer than himself, placed where his abilities have a wider scope, and produce a deeper influence on human affairs.

* His origin and early associations were no less inimical to such results than his own previous history. His father was one of those high-toned enthusiasts of the days of persecution, who were held to be rather inspired prophets than ordinary men. Of his influence, the following notice by Wodrow will be deemed a sufficient indication: "He was doing duty at the sacrament for a brother minister at Calder. Upon the Sabbath, he was very wonderfully assisted in his first prayer, and had a strange gale through all the sermon, and there was a strange motion upon all the hearers. Singing the twenty-fourth psalm as he came down from the tables, all in the house were strangely affected, and glory seemed to fill that house! He served the first table in a strange rapture, and he called some ministers there to the next, but he was in such a frame that none of them would come and take the work off his hands. He continued at the work with the greatest enlargement and melting upon himself and all present that could be, and served fourteen or sixteen tables. A Christian that had been at the table and obliged to come out of the church, pressing to be in again, and could not get in for some time, stood without the door, and said he was rapt upon the thoughts of that glory that was in that house for near half an hour, and got leave scarce to think upon any other thing."—*Analecta*, ii. 149.

Yet the influence possessed by Carstairs was of a kind that would have spoilt an ordinary man. Sprung of that respectable middle class, to whom it has been in a manner the peculiar pride of the Scottish priesthood to belong, he rose to hold in his hands the destinies of the proudest heads of the proud feudal houses of Scotland. All who desired court influence—and they formed a humiliatingly large proportion of the Scots Estates—paid court to Carstairs. Yet he kept his simplicity of character, as one who had no aspirations after the feudal dignity of the Scottish aristocracies, and was still farther off from such treachery to his presbyterian predilections as made James Sharpe sell the cause entrusted to his keeping, for an archbishopric. Carstairs' integrity has been unquestioned; and among the many dubious and treacherous men of his restless age, he remained firm and honest.

Let us now turn from the group of advisers clustering round the new monarch, to men of a totally different cast, who yet exercised their own peculiar and strong influence on the events of the day. This narrative would indeed be extremely imperfect, if it failed to give a distinct account of a portion of the people, humble in rank, and not great in number, but, like a mountain top, conspicuous in the social landscape, as indicating the climax of its tendencies. These were the Societymen, Hillmen, or Cameronians of the five south-western shires. They were no less entirely the moral offspring of the hot persecutions in the last reign, than the phenomena which heat or frost produce on the physical world in tropical vegetation or polar aridity, are attributable to their peculiar physical causes. When it is remembered that the curse of persecution lay on the land almost unmitigated for more than a quarter of a century, it can easily be understood how it entered into the soul of society, and made it what we shall find it in these

men. In so long a tract of time, habits grew and hardened—they entered into the moral constitution, and took a hereditary hold on the race, while the traditions of a better age, enlightened by milder temper and more charitable affections, were swept away; and the strange and unpleasing objects which men had by artificial violence been made, seemed the real nature for which God had destined them. When we see how short a time it takes to naturalise those originally surrounded by pure air and pleasant sights, to the polluted atmosphere and social horrors of some pernicious, ill-regulated city, we may understand how twenty-five years of violence may twist and contort moral natures once candid and charitable.

The ruling principle among these men was the simplest and the broadest of all human principles—that which has more or less guided mankind in all ages and all conditions of society—in despotisms, oligarchies, and democracies—among Polytheists, Mohammedans, Jews, and Christians. It was the simple doctrine, that I am right and you are wrong, and that whatever opinion different from mine is entertained by you, must be forthwith uprooted. By another way of describing the relative position of parties, the Cameronians were the select people of God and his chosen instruments; while all who differed with, or opposed them, were the children of perdition. They took their creed from the New Testament, but their associations and religious revellings were all in the Old; and if the tone of their writings were held as a sufficient indication, it might be said that they coldly adopted the one as a formal test, but that their souls yearned after the older dispensation, as a practical embodiment of their own proud, fierce, and exclusive tempers. They loved the parallels which it afforded them, in the day of oppression and bondage, followed by that of victory and extermination; and though their faith

bound them to the milder dispensation, their sympathies ever unconsciously fell back on those self-sufficient and tyrannical attributes, which the principles of toleration have counted antagonistic to Christianity instead of fundamental to it.

The Hillmen, as they were isolated by the privy council and the dragoons from the social intercourse of their kind, isolated themselves by a far stricter spiritual cordon. The more bitterly showered on them the torrent of temporal penalties, the more sternly did they retaliate, by cutting off the wicked, and dooming them, on principles satisfactory to themselves, and with a perfect assurance of their judgment being effective—to perdition. Gradually they drew the circle narrower and narrower. Popery, the original enemy against whom they inherited an old feud from the early Scottish reformers, was, like Buddhism or Mohammedanism, too far off to be deemed practically a hostile power. Prelacy was nearly in the same position in a religious sense, though its close practical position, and the actual bleeding wounds daily received from it, made it beyond doubt a practical grievance. What they were more deeply concerned with, however, was the class of presbyterian clergymen who had lost their own souls, and the souls of their unfortunate followers, by accepting the Indulgence granted in a sort of penitential alarm by the persecuting government, when it found that men could not be sent from one church to another by command, like troops changing quarters. But there was a left-handed defection, which grieved the righteous souls of the hillmen even more than the acceptance of the indulgence, because it came closer home to them. This was found among the class who, though they might be earnest, even to stripes, and bondage, and blood, for liberty of conscience to themselves, admitted the soul-destroying principle of toleration, and would give like liberty of conscience to the

rest of mankind—yea, even to their persecutors—and open a door to blasphemy and heresy, and all the corruptions which they had in common, with the testimony of their blood, sworn to extirpate. A considerable number of the presbyterian party were ready at least to tolerate the moderate episcopalians, and were thus extremely offensive to the Cameronians. But there was still a nearer circle of enemies, severed from them by a very little distance, but that distance disclosed a chasm. These persons thought that the presbyterian system was that appointed by God, and that it ought to be supreme, and all others should be trampled under it; but, while holding this ecclesiastical opinion, and not on principle disinclined to execute it, if they had the power, they were not ready, at that precise moment of feebleness and humiliation, to come forward as the arbiters of the world's destiny, and, smiting with the sword all who opposed them, reject toleration for themselves, while they denounced its extension to others, and dealt with every government not strictly covenanting, as a government contrary to God's will, which ought not to be permitted to exist. This was, however, what the Cameronians deemed their immediate function, and in its performance they isolated themselves from the rest of their countrymen, throwing defiance in the teeth of all parties, and firmly believing that, like the Jews in the wilderness, they were some day soon to march in triumph to an entire supremacy over the nations of the earth.

The name of this party lives in the present day associated, oddly enough, with a dashing regiment inheriting a long history of brilliant exploits. Even in its early days, however, its warlike character was, as we shall find, supreme. Peace and submission were far from the habits and thoughts of Cameron's followers. With all their deeply seated devotion, it must be noticed that they were by no means docile followers of spiritual teachers. They were the kind of church which constitutes itself, and

selects a clerical representative, not that which, acknowledging the separate and superior order of the priesthood, humbly obeys its directions. The clerolatory which brings on people the reproach of being priest-ridden, was not one of the weaknesses of the Cameronians. A clergyman, who deepened by powerful language and strong deeds the sternness of their creed, was of course powerful in their ranks as a polemical captain; one who, for the sake of popular power, dishonestly or thoughtlessly humoured their convictions, would enjoy some smaller influence; but he who questioned the opinions of the Elders, and the sternest and bravest men among them, was utterly despised and made a mocking and a reproach. Their clergy did not professedly sever themselves from the church of Scotland, when it was made presbyterian by the revolution. Nay, very earnest efforts were made, as we shall find, to keep all their ministers within the bounds of the new establishment; and it was only after trial of their utter unfitness for any church which a state could be allied with, that they drew themselves forth gradually and sullenly to teach a peculiar people living by themselves. While some severed themselves entirely, however, there was a debateable border of those who belonged to the church established, but entertained Cameronian sympathies; and from the revolution, when they were counted as among the most zealous and valuable of the presbyterian party, down to the accession of George I., they were a sore thorn in the sides of the clergy, who, the more they were inclined to the exclusive opinions of the sect, were the less meekly disposed to bear the domination and critical ridicule of the rigid, fierce, and sarcastic fathers of the congregations.* In the quiet days

* Wodrow often mumbles forth his uneasy sensations under their blistering applications of remonstrance and warning. There was a matter arising out of proceedings, to be afterwards noticed, in which they had the whip hand over those clergy who, like Wodrow, sympathised with them. *They* were

of the Church of Scotland, after the Revolution, they had difficulty in getting a clergy, or finding men educated in divinity who would submit to their congregational supremacy; and in fact, the men whom they had nourished in their own bosoms as their peculiar pastors, deserted

clear on all the standard principles of their church, such as the disowning of Patronage or Erastian interference, or of subjection in any shape to mere human and frail tribunals, and the support of all the powers and privileges of the Christian people. The clergy, however, were obliged to merge some of these questions, knowing that what was interpreted as the Christian people's harmonious call for a pastor, often resolved itself into a band of highlanders with their dirks, resolved to carry for some northern parish the presentee, who, by his episcopalian tendencies, was most acceptable to the chief, and that in the West it often involved the scarcely less offensive dominion over their clergy of the Cameronians themselves. Hence, we find that Wodrow, when addressing a brother clergyman, says, "In reasoning with them I could not but grant that several things were wrong among us, which we desire to be mended as well as they, and willingly in a regular way, and in the road of church communion will witness against; but these are not of that kind as to vindicate a secession; and, in other points wherein they and I could not agree, I offered to take in their testimony, which they once seemed to relish, but never have done it. Now, the question wherein I would have your mind is, How far, and in what things, is it necessary and duty for private persons to bear a public testimony against corruptions in a constitute church, that are matter of mourning to the godly in it as well as them; and how far ministers may take it in and record it *ad levamen conscientiæ?*"—*Correspondence*, i. 64. The Rev. James Hogg of Carnock, having rather warmer sympathies, experienced a much more virulent irritation in his intercourse with them, and records that, "as he was, and still is, utterly displeased with the extremes to which they have declined, so it was ordinarily a pain to him, and did heighten his griefs to converse with them. What that set of people is in bulk he shall not determine; but most of them he had occasion to see were a burden to him, being ignorant, and of a pharisaical set, highly conceited of themselves, and despising others."—*Memoirs of the Public Life of Mr James Hogg*, p. 99. But there is still stronger testimony to their presumptuous self-reliance, in the irritable expressions of one who, in the present day, would readily be mixed up with their history and opinions—Boston, the author of the Fourfold State. He says very pathetically, "I found myself like a bird shaken out of its nest, and was as an owl in the desert. Instead of the converse I sometime a-day had with exercised Christians about their own spiritual case, I was engaged in disputes about the public and about separation, and how to defend the lawfulness and duty of hearing me preach the gospel, and for the most part to no effect. So that many a time it was a terror to me to go out among them; and going to particular places I often looked very blunt, finding myself beset with contemners of me and my ministry, who often kept not within the bounds of common civility."—*Memoirs*, p. 228.

them, and were glad, on rather humiliating terms, as we shall hereafter find, to be admitted into the highly respectable established presbyterian church. But the submission of the ecclesiastical officers of the body did not carry it over or commit its most vitally religious members. In fact this, the most thoroughly religiously fanatical set of people in the country, had worked itself into existence, and supported its intensity of fervour, with a scanty and remittant clerical supply. In an appeal to a sister church, in which they denounce the damnable doctrine of toleration, and announce their fixed determination to extirpate all corruption of doctrine, they tell of their destitution of gospel ordinances, and, with pathetic simplicity, describe how, of their four ministers, three "have been successively crowned with the garland of martyrdom, and the fourth hath been long a confessor in bonds." Then, explaining how difficult it was for men who would neither submit to be ruled by persons differing from their opinions, nor tolerate that others should do so, to get clergymen who would martyr themselves for such exceptional exclusiveness, they expose with their own peculiar eloquence the baseness of the men who were not delighted to meet torture and death in vindication of their infallible opinions.*

* "Our ministers were first divided, and then after the fatal discomfiture of a party of our brethren appearing in defensive arms for religion and liberty, lives, laws, and privileges, about nine years ago, were further almost universally drawn by craft, or driven by cruelty, into manifest and manifold defections from the cause and covenant of God, preferring peace to truth, and ease to duty, consulting their own interest rather than the interest of Christ, abandoning the necessary testimony of that day in that clamant case of confession, leaving the people without a warning or witness in the midst of many errors, snares, and temptations, and refused many reiterated calls to come and declare to them the whole counsel of God.

"Since which time we have been as sheep in the midst of wolves, a prey to all devourers, killed all day long, and counted as sheep for the slaughter, proscribed, forefaulted, miserably oppressed, intercommuned, interdicted of all harbour or supply, comfort or communion with any, chased, murdered, imprisoned, tortured, execute to the death, or banished, and sold as slaves,

At the outbreak of the Revolution, we find them engaged in an attempt to get a clergyman after their own heart, ordained by the Classis or synod of Emden in Holland, having just ascertained, not by report but personal mission, that the ministers there were neither Erastian nor Cocceian. But the crisis of the times speedily opened up for them a different field of labour. In it they showed, along with their religious fervour and combative propensities, practical abilities of a high and powerful order, reminding one vividly of the Independents of the Commonwealth—a body to whom, in their fervour, their dislike of ecclesiastical domination, the regularity of their lives, their methodical capacity for public business, and their stern courage in the field of battle, they bore a signal resemblance. They were sadly destitute of temporal as well as spiritual leadership. They had not abandoned the national predilection for rank and descent, but few who had worldly privileges to boast of were likely to be found among their Societies. Of the scant array of gentry who professed to be of them, Gordon of Earlston was a prisoner in the fortress of Blackness, shattered both in body and mind by intense tortures. They had much reliance on the laird of Kersland, who, as major of their regiment, afterwards fell on the field of Steinkirk. But the only man among the educated gentry who well represented alike their religious fervour and military sternness, was Sir Robert Hamilton of Preston, who was compelled to seek refuge in Holland,

in so arbitrary, illegal, and inhumane a way, that, in some respect, ours may be compared to any persecution, primitive or modern. And, which hath been to us an affliction more insupportable than all these miseries, we have been growing under a famine of the faithfully preached gospel; and what through mercy we have obtained of it, was got in peril of our lives, because of the sword of the wilderness, when in the open fields exposed to all weathers we could not be without fears of bloody assaults and murdering enemies, incessantly hunting to prey upon us and mingle our blood with our sacrifices." —*Faithful Contendings*, p. 340.

but wrote to his friends that, on the first breaking out of conflict, he intended to visit them and take a share in their lot.*

Headless as they were, these peasants were assembled in Societies, communicating with each other in well set official terms, and so entirely organised in their singleness of purpose, and sustained superiority to any secondary motives likely to lead them from their main object, that when the news of William's expedition reached them, they were prepared to rise and act in an organised mass, if they deemed it right that they should adopt his cause. Gravely they set to the discussion of the matter, inquiring, doubtless not without hope of light more special and direct than that which illuminates the ordinary human intellect, into such matters as "Whether duty and safety did call for a rising in arms, or to sit still and hide? If there should be a rising resolved, when this should be attempted? Who should be admitted to concur?

* The name of this fierce and eloquent fanatic may recall that of an eminent descendant, who applies a like energy of mind and resoluteness of purpose, to a domination over the empire of thought and knowledge. Sir Robert, in the letter in which he gives the assurance of returning, like the stormy petrel, with the tempest of battle, seems mystically to allude to the coming great event. He was living at Gröningen, and his letter bears the interesting date, 4th September 1688, when the Prince of Orange's armament was coming gradually into shape. With the other instances already given, a portion of it may be taken as indicative of the literary composition of the sect:—"The Lord hath been trying his poor church, and, especially in that land, for a long time, and hath made great discoveries there beyond what the wit of man could ever have done, so that now both right and left hand enemies are fairly discovered, and stated under the banner of antichrist in a direct opposition to God and his Anointed, and that both as He is king in his own church and hath the sovereignty over his mystical body; and as king of the world, whose incommunicable prerogative it is to be absolute; so that He hath fairly stated his own cause, and seems to be in an open way to vindicate the same with its followers, to the conviction of some and the comfort of others—the shame and confusion of opposers—all which, I think, says, that He is to bring on ruin upon an apostate, backslidden, secure, and rebellious generation. Hitherto He has been smiting the lintle of the door, and shaking the posts, but now, seemingly, He is to slay with the sword, that he that fleeth shall not flee away, and he that escapeth shall not be delivered. Hitherto He has been holding a bitter cup to the heads of his own, making them to drink

Whether there should be an association with the Dutch, or continuing in a separate body?" and so on.*

On such grave questions the Societies pronounced answers, which, however strange they may seem to others, are simple and natural to those who indulge in the perusal of documents of this class. It was unanimously determined that they could not "have an association with the Dutch in one body, nor come formally under their conduct, being such a promiscuous conjunction of reformed Lutheran malignants and sectaries, to join with whom were repugnant to the testimony of the Church of Scotland." But along with this repudiating testimony came another, which was deemed by the sterner of the sect a sad compromise and lamentable backsliding, and it was not carried without earnest debate and solemn protestation. Referring to the Dutch in William's expedition, it announced these concessions:—"That they might be treated with so far as to keep some

the brim thereof, not to destroy but to save them; and that they might see what metal they are of, and that to their everlasting joy and consolation; but enemies must drink the bottom with the dregs, and be made to see that they have been digging their own graves, and also to see and read to their conviction and torment, sincerity, truth, and faithfulness manifested in these whom they have been reproaching, spoiling, torturing, and murdering." If these sayings may be supposed to have any reference to the Dutch armament, it must be admitted that their character is rather sybilline; but they are at all events a specimen of a peculiar style, not without its rhetorical ornaments. It is not always easy to decide to what point on the actual earth's surface such mystical needles point. Perhaps this passage, to be found in the same letter, has a more distinct reference to the Prince of Orange and the armament:—"I shall say no more, but labour to keep the good—the good old way—seeking to be found in his way when He cometh, keeping the word of Christ's patience, standing fast to your post, and close to your Master, in readiness to follow the Lamb whithersoever He goes; for the winds are now like to be let loose, and it is to be feared many shall be blown away with them, although not one grain of his true wheat shall be lost, being preserved by the power of God unto salvation. He is to do a great work in the earth; and He will not be unmindful of his own. Improve what you are getting to his praise, and credit Him for more, and then it may be but an earnest of what the land and His followers may expect."—*Faithful Contendings*, p. 363.

* Faithful Contendings, p. 364.

correspondence with them, to co-operate against the common enemy, to inform them of their motions, to take ammunition from them, and to admit some of them to come and teach us the art of war, but not to take them for our officers, or come under their conduct." From this intercommuning with men who were strangers, and possibly might be latitudinarians, and who were not assuredly known to be sworn covenanters, we are told that, in the next generation, old men who then lived used to date the beginning of a declension from the principles and practice, the faithful zeal and tenderness, shown in the days of persecution.*

Such mists were, however, for the moment dissipated by the actual splendour of events—the coming of the liberating host—the abject flight of the monarch, and the paralysis of his obnoxious advisers. Minds wrought up to see signal interpositions of the Divine hand to work out their own peculiar objects, could not fail to accept such events as a fulfilment, and to be checked for a moment by a dazzled reverence, in their usual task of a rigid examination of the orthodoxy of all the men who acted on the occasion, and the scriptural conformity of all their actions.

But they speedily recovered their self-possession, and recommenced the fabrication of protests and remonstrances. Their first cause of scandal was the Prince's Declaration when he arrived in England, and its proclamation at Glasgow. Some zealous members of the Societies were present, giving their sanction to it, and their conduct was censured as "a deed rashly gone about, without common consent." It was said that the Prince's Declaration might be passed over as the words of a foreigner; but the brethren were not entitled to countenance it by their presence, "for there was

* Faithful Contendings, p. 366.

no mention made in it of the Covenanted work of Reformation."*

But whether or not it were right to countenance the Prince of Orange and his followers, it was clear to them that they were bound to adopt the opportunity offered to them for fighting their own cause in their own place, and thus they set about the expulsion of the episcopal clergy in that south-western portion of Scotland which they counted peculiarly their own. They did not perform this function cruelly or spitefully. Had they been a people naturally vindictive, there were wrongs sufficient in number rousing them to violence; and had they been indiscriminate in their retaliation, they might have found a sufficient excuse in sufferings and contumelies which, by their intensity, blind the judicial vision, and let vengeance loose to strike indiscriminately. The creed and professions of these men were utterly intolerant; and in their conflicts they had sometimes shown a cruel fatalism, acting, when in the absolute certainty of being crushed by a superior force, as if they were themselves transcendant in power, and removed beyond human responsibility. The essentially sound and healthy nature of the men was, however, shown in their conduct, when that which they wildly foresaw in their bonds and miseries had really taken place, and their enemies were at their feet. Thus they discriminated. Had Dundee, Mackenzie, Drummond, or any others held as their oppressors in high places, been at their disposal, it is not to be said how far they might have relented from their favourite precept,—Lay on and spare not. But they did not belong to a vindictive or sanguinary race, and in the full flush of victory they were humane to those who, though nominally ranked with their oppressors, had done them little palpable injury. In truth, the episcopal clergymen

* Faithful Contendings, p. 370.

in these western shires, where they were commonly called Curates, had long felt that sad depression and disheartening feebleness, which no minister of religion can avoid feeling when he has no flock, and not a particle of sympathy from the people around him. The heart that in such utter isolation of sympathy can exult in the possession of a legal or coercive right to assume the title of pastor, and force a certain amount of external compliance from the gentler part of his flock, must be harder than a clergyman's education can tend to make it. These poor curates, indeed, were only seeking an invidious living. Whatever oppression came from clerical sources was performed by the bishops, as privy councillors and ministers of state. The humble curates had no concern with it, and their virtual innocence was acknowledged in the moderation of their assailants. In a systematic ejection of the episcopal clergymen of the five western shires, it has not been asserted by any of the most zealous writers or speakers of the time that one life was sacrificed. The immediate business on hand was performed effectively. The clergymen, of course, complained of the usage they suffered, though they never had received much courtesy from their parishioners, and might have anticipated a worse fate,—and the Jacobite party were naturally vehement in their denunciations of these "rabblings;" but no impartial man can master the facts without admitting that these fierce Cameronians behaved towards the clergy, so offensive to them, with signal leniency.*

* The methodical way in which the ejectments were set about is described in that curious collection, the *Faithful Contendings*,—and its tenor is not seemingly contradicted by any of the Jacobite narratives. It was an instance of the powerful business talents of the Cameronians. They were afraid that if their people were left to avenge local or personal wrongs, scandal might be brought on the whole body, and they therefore proceeded systematically by committees. They made out a form or style of ejection, in which, after announcing how impossible it is any longer to endure that the house of God be made a den of thieves, the incumbent is warned that he must cease from performing ministerial functions in the parish; and he is required to give up

No less systematic and business-like were their preparations for military service, founded on views of their warlike capacities more rational than those which had led them to battle at Bothwell Bridge. They were tempted, indeed, by immediate and strong encouragement from the Convention, to assume a warlike condition. Besides such scattered arms as they already possessed, it was voted that 4000 muskets, 100 barrels of powder, 100 chests of ball, and 1000 pikes, should be sent to Glasgow, for distribution among the western shires, a portion being sent to each town as a common centre.* The vote was vindicated on the ground of danger to the country from Ireland; but of course, had it not been for the known antipathy of the western peasantry to the departed government, they would not have been thus profusely and promiscuously armed.

It is uncertain if they received the whole of these arms; but to make due use of such as they obtained, they resolved to employ scientific military trainers—not stipulating that they should be covenanted, but content that they were not from the number of their persecutors. At their own expense, and by officers of their own selection, they were formed into four companies, and were an orderly, effective, well-disciplined body, who, though they were scarcely in actual conflict, were of great use to the Convention before the arrival of the king's troops, by overawing opposition.

The existence of such an independent army, when the government resolved itself into shape, was not consistent with constitutional principle; and the Cameronians themselves showed no reluctance to disband, should their services be dispensed with. It was thought well, how-

the keys of the church, being sententiously told in the end of this document, which is better arranged than many legal writs, "if you refuse you shall be forced to do it."—*Faithful Contendings*, p. 376.

* Minutes of Convention.

ever, to embody one regiment from their valuable ranks, should it be possible to prevail on them to conform with the restrictions on the soldier's free-will, and the military usages which did not coincide with covenanting principles—a matter about which there were grave doubts. The war in Ireland, however, and the rising of the highlands, rendered their services too important to be lost for matters of secondary etiquette. The news passed suddenly over Scotland from the west, that a countless army was on its way from Ireland to burn and slay, while their savage brethren of the Highlands were to attack the devoted Lowlands of Scotland from the other side, and meet in blood those descendants of a common ancestry, from whom they had been so long separated. As the rumour of an Irish force invading England had a powerful influence in frightening the people into the support of the Prince of Orange, it has been supposed that a kindred rumour in Scotland must have been part of a basely concerted system. But there is no reason to doubt that the panic was sufficiently real, however inadequate might be its cause. In the first place, the Jacobites expected large aid from Ireland, and actually did obtain a regiment, which fought at Killiecrankie. The west of Scotland was alarmed by an inroad of fugitive protestants, who fled across the sea for protection from anticipated slaughter, just as in the massacre of 1641, the protestants from the catholic districts fled frantically to the protection of the Pale. It was not then as now, when the Saxon force could easily estimate the extent of the Celtic, and experience safety in the consciousness of an overwhelming superiority. They rather felt like Rome when the Gauls menaced the frontiers—a small centre of civilisation beset by countless hordes of barbarians, whose very numbers might trample down opposition, however firm. When the scanty Celtic population in the limited western highlands of their own country,

could so often shake the government, and threaten to take the nation's fate into their hands, it was not wonderful that men were made anxious by the rumour of an inroad from the dense millions of the same kind of men in wide and populous Ireland.

On the 30th of April, when the Cameronians were assembled in general meeting in one of their churches, deliberating on the practicability of forming the regiment, they were driven out of some of their scruples by the palpable form which these hostile rumours had assumed. Some thought that their embodiment as a regiment could not fail to be a sinful association, seeing there were in the army malignants and men of blood, as well as latitudinarians and tolerants, with whom their officers would have to sit in council, while all were to be under a commander—General Mackay—"whom they knew not, nor what he was for nor against."*

This protesting body afterwards, as we shall see, enlarged itself, and embittered its principles; and yet the assenting body were sufficiently rigid in the securities they demanded for the covenanted purity of all with whom they were to associate themselves, and for avoiding the sin and hazard of unlawful communings. They laid down specific conditions, that they should be under no commanders whose conduct had been adverse to their own principles—or at least that, if it was necessary to employ such sinful persons, this should only be done after they had made due and public penance. †

* Faithful Contendings, p. 393.

† The string of conditions commenced thus:—"*First*, That all our officers, superior and inferior, be such as we can in conscience and prudence confidently submit unto and follow—such as have not served the enemy, nor persecuted and opposed the cause, nor engaged by the Declaration, Test, or other sinful oaths and bonds, to oppose and suppress the cause we fight for—but have given proof of their fidelity, integrity, and good affection to the covenanted reformation, and are willing to renew the covenant engagement when duly and seasonably called thereunto.

"*Secondly*, Or at least, if such a number of officers cannot be found that are

When a considerable number of the men were embodied, still further and more distinct stipulations were proposed by them. They maintained, that the object of their uniting themselves in a regiment should be the furtherance of the covenant—the establishment of godly men—and the crushing of prelacy, sectarianism, and all defections; that especially they and their officers should co-operate in the uprooting of those seeds of wickedness from the army; and that, in the meantime, and until this were accomplished, care should be taken to keep the pure and precious band from the snares of a contaminating conjunction with them; "and to this effect, that our officers endeavour to provide and procure that we go not out in promiscuous detachments with them, nor be mixed in encampments with the foresaid criminals."

By a stipulation still more at variance with constitutional principle, they required that they should always have the selection of their officers; or that, at all events, they should be protected by the privilege of a veto, from commanders being obtruded on them without their consent; and they claimed a similar right of objection to the men by whom any vacancies in their ranks were to be filled. These stipulations were accompanied by some of a peculiar enough, but not an unconstitutional character,—for public worship, a strict inquisition into opinions and conduct, a minister chosen by themselves, and an elder so selected for each company.

The statesman to whom these stipulations were presented, Sir Patrick Hume of Polwarth, smiling internally, said they were very excellent as a statement of principles,

free of such offences—that such as are admitted who are chargeable with lesser degrees of foresaid offences and compliances, make public acknowledgment, on the head of the regiment, of their sense of these sins and scandals, and engage to submit to the censures of the church." When a paper, containing these and a train of similar conditions, was read out, "some of the meeting said, if these proposals were granted, they could not say much against the raising of a regiment."—*Faithful Contendings*, p. 395.

but that it was impossible to make such specific stipulations between a government and the troops employed by it. He proposed, instead of them, that the men should take a brief declaration of the general objects for which they were embarked. It was rather cunningly devised, since it might infer that they were to carry out the principles of the covenant in all parts of the United Kingdom, and establish the reign of righteousness; while another interpreter could restrict it to mere hostility within Scotland to the dethroned government and church.*

The opponents of the embodying of the regiment were now more numerous and bitter. The Cameronians were divided into three parties—those who were free to enter the regiment; those who protested against it as a desertion of the old path; and a neutral party who had not clearness to engage in it, yet felt not themselves called upon to lift up a testimony against those who had obtained clearness.

And thus was formed the celebrated Cameronian or 26th regiment, with the youthful Lord Angus as colonel, and that Clelland, of whose gallant end an account will afterwards be given, as his lieutenant, and the actual commander of the regiment. It was strict and exclusive enough, according to the modern notions of the very sternest presbyterians, even in Scotland; yet the compliance of those who joined it was mourned over as a signal step of defection,† which, along with others, was a cause

* "You declare that you engage in this service of purpose to resist popery, prelacy, and arbitrary power; and to recover and establish the work of reformation in Scotland, in opposition to popery, prelacy, and arbitrary power, in all the branches and steps thereof, till the government in church and state be brought to that lustre and integrity which it had in the best times."

† In an enumeration of steps of defection, the fourth is:—"The raising a regiment under the conduct of William Clelland, one of Argyle's officers, who though once one with us, yet was afterwards a great opposer of our testimony, and a reproacher of Mr James Renwick, and our faithful brethren both at home and abroad, whereby a great part of us were ensnared into a sinful and

of lamentation and despondency to the true remaining brethren. And when they saw the apostates whom they charged with this sad defection, employed to further the interests of that King William who disowned the covenant, and not only tolerated but supported prelacy—and when they heard of their being subject to the still further horrors of fighting in the German wars, under the same banner with Papists, Lutherans, Erastians, Cocceians, Bourignians, and sectaries of all shades—they deemed such horrible pollution a judgment following on their primary defection and entrance on the path leading to destruction.

Of the services of the regiment at home, there will be occasion to speak in another place. It was with extreme unwillingness that even those who were lax enough to take service in the uncovenanted government, assented to be sent into idolatrous lands to struggle for the ambitious projects of a king, whose quarrel was not theirs.* There might be sound policy in removing to foreign conflict men so self-willed and stern as the gallant defenders of Dunkeld; but it was deemed an ungracious use of those who had taken service solely on public principles connected with the politics of their native country. Wherever they found themselves, however, they did their military

scandalous association in war with all the perjured, murdering, backslidden, and apostate enemies of Christ, both at home and abroad (France and his associates alone excepted), contrary to Deuteronomy xxiii. 9-14; 2 Chron. xviii. 3, with chap. xix. 2; Isa. viii. 12, 13; and likewise to an owning of their civil courts, paying cess, and other impositions, imposed and employed for the maintenance of the Prince and Princess of Orange, now become the head of the malignants, prelatic, indulged, toleratists, and sectarians in these lands."—*Faithful Contendings*, pp. 471, 472.

* There is an order of the privy council, of 15th January 1691, to arrest all deserters throughout the country from Lord Angus's regiment, about to embark for Flanders. Standing among many orders to empty the prisons into the regiments serving abroad, and to enlist sturdy beggars, we are taught that the fellow-countrymen with whom these zealots were associated, must have been as great a curse and nuisance to them as the foreign Bourignians could possibly be.

duty with the native sternness and fierceness. In the fatal battle of Steinkirk, they were part of that small body of British soldiers which, abandoned in the van by the treachery or mismanagement of allies, and in a position where other troops would have hopelessly fled, defended themselves with a fierce stubbornness which almost turned the fortunes of the day. Their young colonel was killed; and many a stern-featured westland Scot was found on that field, with a well-thumbed Bible in his knapsack. But while they did their duty as soldiers, their little camp was as full of dispute as their larger society meetings. The irresistible example of the campaigner's life had its influence on many, while others retained firmly their originality of purpose and character. Their intolerance drove their weaker brethren farther off, and the regiment, ere it gradually lapsed into the uniform modified licentiousness of other military bodies, exhibited a division into fanaticism and profligacy which deeply perplexed its hapless chaplain Sheilds.*

To return to the civil branch of the Cameronian body.

As the reconstruction of the government went on step by step, the hillmen, in their numerous and almost continuous assemblages, broke into divisions and debates innumerable. Their chroniclers have faithfully recorded them all, as if they had been important matters in history, —and so they were to them,—for in their eyes, contemporary history was as entirely lodged in this little circle of select people, as ancient history was in the chosen of Israel. Every narrative is full of wailing and denunciation, for each historian has to record some deviation from his own peculiar views, and therefore from the one and only right path. This parochial history is, in its small details, a type of the French Convention. Wherever a position was taken, in a shape however extreme, there

* See the statements in "A Collection of the Dying Testimonies of some Holy and Pious Christians."

were always a chosen few who found and occupied some still more extreme post, whence they cursed and excommunicated all mankind, and especially those brethren from whom they had just parted, and who were still nearest to them. That they should have appeared even to join in supporting the uncovenanted king and queen, who had sworn to maintain the prelatic Church of England, was matter of much grief to them all, and was to be repented of as an offence sure to call down on them, like their intercourse with sectaries and latitudinarians at Dunbar and Bothwell Bridge, some signal judgment from the Most High. Some of them proposed that a revocation of their acknowledgments of the revolution cause, as a testimony fraudulently exacted from them, should be accompanied by an offer of allegiance to their majesties, if they should consent to become covenanted, and extirpate all error; but others rigidly resisted any further intercommuning with malignancy, and could only sternly mourn over the departed glory of Zion. They complained that in the very subscription of the covenants they had been utterly deceived, since the acknowledgment of the civil magistrate, included in the bond, was interpreted as an acknowledgment of a government which had not engaged itself by the same bond, and was utterly uncovenanted. Their little knot of clergy, who stopped far short of the extremes reached by the apostles of the body, tried the effects of a slight attempt at jesuitical persuasion. They said that there were two ways of reformation, the one by attacks from without,—the other, by taking a place in the body to be reformed, and cleansing it from within. They recommended their friends to adopt the latter course, and join their feebler presbyterian brethren, that by their superior strength they might bring them to purity and perfection. These clergymen, as we shall see afterwards, adopted their own counsel. They were pushed farther than clerical religion could go by their

fanatic flock, and though loudly protesting against the backsliding of their fellow-ministers, entered the pale of the Church of Scotland, leaving their sheep in the wilderness a prey to ravening wolves. These sheep, thus deserted, sent forth upon their fugitive pastors such a torrent of execration as they alone were able to issue.

As yet, however, parliament had not created the constitution of the church, and their fears of an uncovenanted and tolerant government were rather founded on what was going on in England, and the delay of final steps in Scotland, than on any certainty. In this state it was matter of long and grave discussion among them, whether they might lawfully address such a body as the Convention Parliament with a demand that they should take the course of covenanted righteousness. Many of the society men would be no partakers in the portion of so unrighteously constituted a body; but some thought it no derogation to appeal to them, provided the appeal contained an injunction to cast forth all who were unworthy to be legislators in a covenanted country. This involved a deposition of the whole parliament, for though there were one or two ardent presbyterians there, it may be questioned if there was one whom the hillmen would not hold as at least lukewarm and liable to the doom of those who are neither hot nor cold. The address was, however, ingeniously framed, since it denounced chiefly those who had been the tools of the preceding tyranny, and merely by a general expression extended the exclusion to all who were "enemies of the covenanted reformation."*

Nothing, however, was done for them. They watched the sittings of the Estates, as they are elsewhere recorded, and always thought that the adjournments were made with some sinister view of defeating their protestations.

* "Many then," says the Editor of the *Faithful Contendings*, "and some yet, think that this comprehended almost the whole."—P. 432.

When at last they saw a form of church polity without a national and legislative renewal of the covenants; when they saw Erastian oaths of allegiance laid on the Christian people; when their own clergy deserted them, and those "old abjured, perjured, erroneous, scandalous, episcopal curates" were permitted actually to linger within the vineyard, the cup of abominations was filled up, and they abandoned themselves to wilder sorrows and more desolate wailings than even the slaughters, huntings, and torturings of the previous reigns had drawn from their lips.* And thus they went on in their

* Among the sins which have "provoked the Lord in his just and righteous judgments" towards them, there is a long fervid enumeration in such shape as the following: "That sinful act in being among the first in the nation that proclaimed the declaration of the Prince of Orange, and to own it as the state of our quarrel—who was matched to a daughter of the bloody popish Duke of York, educated in the family of her uncle Charles, and ever since adhered to these abjured prelatic principles; and while he (the Prince of Orange) is associated with all the popish and bloody enemies abroad (France and his associates only excepted), yea, that ravenous eagle, the tyrant of Austria, who is the Pope's general, while swimming in the blood of the protestants of Hungary; and with that old devouring leviathan, the King of Spain, and now also with that little tiger of Savoy. Likewise his unconcernedness these many years with the overturning of the work of God in these lands until his own interest was touched." The allusions to foreign politics might seem beyond the stretch of a fanatical peasantry in a remote district, but their patron, Sir Robert Hamilton, assisted them with his knowledge as well as his fierce rhetoric. This testimony, however, though thus discursive, is intended to express self-abasement and humble contrition for having been duped by the blandishments of their clergy into their sinful course, like sheep led astray. Among the defections to which they were thus led, one is recorded thus—"As also they induced some of us to take up arms and march into Edinburgh to guard the foresaid bloody men in a Convention of Estates (so called) together with the prime ringleaders favourers and followers of the indulged and tolerated party; where, to our sin and shame, we were prevailed upon to stay until the foresaid enemies with their accomplices had established themselves in the government and the exercise of it, and had made choice of the present Prince and Princess of Orange to be their king and queen, and had proclaimed him king over this covenanted land; and had authorised some of their number (particularly Sir John Dalrymple, who had a principal share in shedding the precious blood of great and worthy Mr James Renwick), who was sent to present to them the offer of the crown of Scotland, and their admission to the exercise of the government, notwith-

own secluded den, anathematising all that mighty external world which differed by the faintest shadow from their dogmatic opinions. Fortunately, to the complaint of not being assisted in exterminating all this heresy from the world, they had not to add the accusation that they were themselves persecuted. They did not, as we shall see, entirely escape constraint; but it was gentle, and rather for the protection of the church than the punishment of its assailants. Their vehemence thus faded after the lapse of years, but it was of a tough nature, and did not easily yield. In one sense, indeed, it may be said to have hereditary representatives even still, softened to the improved sentiments and civilisation of the day. The hillmen, in their defects, and in their virtues, which were not inconsiderable, presented the darkest colours of a peculiar character, which, through the influence of very unfortunate events, had eaten into the hue of the national character. Its stern duskiness is the more important and worthy of notice in a historical view, as its hue, more or less decreasing in darkness, pervaded a large portion of Scotland, and has not even yet been totally expunged by sunshine or by rain.

s'anding of many discoveries of their stated opposition to the work of God, and their being at the same time crowned and anointed king and queen in England, and admitted to the exercise of government then according to the English popish ceremonies, and upon their solemn oath upon their knees before the altar, with the book in their hand according to the coronation oath administered to them by the Archbishop of Canterbury, to defend and protect the laws, customs, and liberties of the present church of England, etc. Yet, nevertheless, he is invested with the crown and government of this covenanted land by our pretended representatives."

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CHAPTER II.

Re-assembling of The Estates—The design of the Members to curtail the Prerogative and create an Aristocratic Oligarchy—The Views and Struggles of the King—The Conflict about the Lords of the Articles—The Settlement of the Church postponed to the Political Objects—The attack on the Dalrymples—The Profligacy of the Judges, and the Quarrel about the Settlement of the Bench—Conspiracy of Montgomery, Annandale, and Ross—Ferguson the Plotter—Queen Mary's Investigations—The Torturing of Neville Payne—The Reconciliation of the King and the Estates—A Peaceful Working Session—The Operation of the New Parliamentary System.

THE Convention of Estates, which offered the crown to the revolution sovereign, requested him to give the sanction of the prerogative to their proceedings, and convert them into a parliament. This was virtually a desire that the king might fortify his title by acknowledging the constitutional authority of those who had conferred on him the crown; and of course it was not withheld. The Estates re-assembled on the 5th of June, with the royal sanction, as a Parliament.

They had scarcely begun the transaction of business, ere a conflict arose between the crown and the representative body, bearing more resemblance to the constitutional battles of the Long Parliament than to anything that had occurred in Scotland. The Estates sat down with a feeling of dissatisfaction, which waxed into discontent and anger. In the triumphant spirit which ever influences any political assemblage, on whose motions there is not some immediate and potent check, they speedily ran far beyond the limits by which previous prac-

tice had surrounded their functions. Immediately as they met, their dignity was touched by a president being named according to old usage by the Lord Commissioner. They let that pass in the meantime; but it chafed their temper, and made them more prompt to meet the prerogative face to face.

Their first and main conflict was for a free debating parliament in Scotland, such as England had long possessed. At the head of the list of grievances was the conduct of parliamentary business through a committee called the Lords of the Articles.* It was of purely elective origin; but it had been gradually perverted to the purposes of the crown, by an ingenious method of shuffling the selection among the different Estates. The election began with the bishops, who selected eight lords. These, in their turn, elected eight from the fourteen bishops. The sixteen, who were thus semi-self-elected, chose eight county and eight burrow representatives; and thus, with the air of election and constituent responsibility, there existed as subservient a body as a court need wish to meet. It did not make them more dependent, though it must have aided them in the execution of business, that the chief officers of the government held seats among them by right of office.

All parliamentary action was gradually sucked into this close committee. Whatever powers of deliberation and privileges of open debate had been early attributes of the great assembly of Estates had disappeared; and it became the policy of the Stewarts to reduce a session, as nearly as possible, to two formal sittings—the one to appoint the working committee—the other to receive

* "The Estates of the kingdom of Scotland do represent, that the Committee of Parliament called the Articles, is a great grievance to the realm: and that there ought to be no committees of Parliament but such as are freely chosen by the Estates, to prepare motions and overtures that are first made in the house."

and register, without an opportunity of discussing, the acts recommended by them.* While their national legislative assembly was thus degenerating, the Scots saw rising beside them, that illustrious body, the Commons of England, ever widening the scope of their authority and strengthening their power, until they were becoming not only the guardians of the peoples' liberties, but the repository of the power and influence of the most prosperous of European states. Of the expansive parliamentary action, and the skilful system of debating tactics which the Long Parliament had achieved for her, England had retained all; while the Estates of Scotland had been declining, and might some day disappear like those of France, on whose model they had arisen. The ardent spririts among the Scottish gentry desired the public career of an open senate, and panted for an arena of exertion like that where courage and talent reaped power as well as distinction within the hall of St Stephens.

In the Convention they had enjoyed the excitement of legislative debate and conflict in their most intoxicating form, and they were determined not to lose these fierce joys, and retire into their old formal and silent subserviency. Scotland, they said, must have her free parliament as well as England.

This resolution at once opened the conflict with the

* The following are characteristic items of the Minutes of the Estates in the reign of Charles II. :—

"16*th November* 1669.—The act asserting his majesty's supremacy over all persons in all causes ecclesiastical, being offered from the Lords of the Articles, and twice read in open parliament, was thereafter voted and unanimously approven, and touched with the royal sceptre."

"30*th November*.—An act being brought in from the Articles for approving two proclamations of council for security of ministers' persons, and making the parishioners liable for the skaith done to the ministers, being twice read, was voted and approven, and touched with the sceptre."

The whole proceedings before the house, in one of the most memorable enactments of Charles II. are indicated in the minutes thus:—"13*th August* 1670.—An act brought in from the Articles against conventicles, twice read, approven, and touched with the sceptre."—*Minutes of Estates.*

Prerogative. The king desired to modify and popularise the offensive system, by making the Lords of the Articles elective, and enlarging their number—the Estates desired to abolish them, and work in "plain parliament," as they termed it, or by committees appointed for each occasion. It was King William's nature to use prerogative gently and honestly; but he did not like to abandon any portion of it. Though the monarch of a revolution, he belonged to the august community of European princes, and was not beyond the influence of their *esprit de corps*. It was not inconsistent with their etiquette and principles, that one more fortunate than his neighbours should receive the empire which another could not keep. It would have been deemed base, however, to accept of a crown stripped of the decorations which endowed it with regal lustre, or to abandon any of the prerogatives of royalty for the sake of a kingdom.

But King William's views always went beyond the vulgar spirit of caste. A constitutional philosopher would find many justifications of his desire to check an immediate change. As Sir John Dalrymple wisely said, when writing on the subject to his colleague Lord Melville, a prerogative once given up, can never be recalled; and though, in the previous reigns, prerogative had been used against the people, the aristocracy had by the revolution so strengthened their hands, that the prerogative was valuable to mere popular interests as a counterpoise. "We shall never believe," said King William, in the simply dignified terms in which he accepted the crown, "that the true interest of the people and the crown can be opposite, and shall always account that our greatest prerogative to enact such laws as may promote truth, peace, and wealth in our kingdoms." There were peculiarities in the constitution of the Scottish Estates, which made the practice of English parliaments inapplicable to them. There was virtually no second house for revising

the proceedings of a popular chamber, and giving them the benefit of a full consideration, by a body acting on other, and probably calmer, views. To make the three Estates of Scotland work all their proceedings in open parliament, or merely by committees chosen for the occasion, was like proposing that the House of Commons, without a corresponding alteration in its machinery, should work without the House of Lords, or that in the United States, Congress should dispense with the Senate. It was held that a fixed committee, with known powers, was essential to the safe action of a popular legislature acting in a single chamber. But further, it was in this department that the influence of the crown, which in England took the form of a final veto, was exercised. The refusal of consent to an act which had passed the Estates, was practically unknown in Scotland; and, were it necessary to resort to it, would have the offensive character of a hostile novelty.

The immediate position of the king on the eve of a violent contest, and the proposal of great alterations in church and state, created inducements, on grounds about which it was impossible to be explicit, for adhering in some measure to the old practice. He could not entirely trust any one to be his representative, and had immediate grounds of suspicion against the person whom he found it necessary to place in that high office. His other ministers gave him conflicting advice. It took three weeks to receive an answer to an application for instructions sent to London from Edinburgh. It was part of the constitutional forms to protect Scotland from English domination or interference, that all authoritative acts of the prerogative should be made through a vote of the Privy Council. In the issuing of proclamations, the appointment to office, and the like, the practice was for the king to send a letter, countersigned by the Scottish secretary in attendance on him, directing his Privy Council to prepare

and issue the required act or command.* In the previous reigns, the council were complacent, and sometimes too ready to carry out the supposed royal desire, or "in the winking of authority to understand a law." But servility was no longer to be counted on.

In the new council there was one vehement presbyterian, Lord Craufurd; the others were chiefly secular politicians, ready to back his ecclesiastical views, whenever their furtherance helped on their own political or personal objects, but with no fixed principles, either in religion or politics, from which the tendency of their conduct could be anticipated. In that council there were some men, who, from zealous supporters of the new settlement, passed into opposition, and thence into Jacobitism, forming plots against the revolution, even while they attended the council board. None could be trusted for obedience to the royal will but those who held the higher offices; and in the confusion and interruption of public business which thus arose, we find the king's immediate advisers recommending that summonses to attend councils should be limited to those who held office, or were assured of filling the earliest vacancies. Such was one of the palpable incongruities of an independent government at a distance from the sovereign. A monarch on the spot would have steered his course according to the views and conduct of his official advisers. The monarch, at a distance, required to select his course on such imperfect advice as his Scottish secretary might give him, and then leave it to be furthered or impeded as might be. If the

* It appears that the council held it essential to the validity of military orders, that they should be issued by themselves. The king's directions thus required to pass their board ere they could be enforced, and they issued many instructions of their own. Colonel Hill, the governor of Fortwilliam, thus frequently complained of the number of masters over him who were ignorant of his profession.

privy council first, and then the parliament, always humbly obeyed, the wheel of government went smoothly. But an independent state could not thus be ruled; and every day developed more distinctly the truth announced by the sagacious Marlborough, that the only safety for Scotland was a legislative union, since the monarch, meeting perpetual interruption and annoyance in the transaction of business, would, when wearied out, have recourse to English councils, backed by English strength. So conscious of this was the king himself, that his first communication to the Scottish Parliament, earnestly drew their attention to the advantages of a union, and the Scots appointed commissioners to transact it. But there was no inclination for such a measure on the part of England. The sensitiveness of the country and its statesmen, on the sacredness of their trading policy, made them shudder to approach the subject. It will be the object of the following pages to tell how the government difficulties increased, and the attitude of Scotland became gradually so hostile and so fierce, that England was at last compelled, not only to seek, but to court, this disagreeable alternative.

In the meantime, high dispute was the result of the parliament's determination to remain, as it had made itself for the time, an open debating body, while the king desired to retain at least a portion of the old arrangements for bringing the influence of the crown to bear on their deliberations. He had sent instructions to his commissioner, notifying the measures which he should endeavour to pass, and indicating generally what acts would, and what would not, be in accordance with the royal pleasure. The instructions were reasonable and cautious; but Hamilton, either by design or misapprehension, threw the glove of defiance on the floor of the house, by taking the initiative from his instructions, instead of cautiously endeavouring to guide the

parliamentary proceedings in their direction, as a minister gets the House of Commons to pursue the policy of the government. So, on the 17th of June, he intimated the king's pleasure, that in future the Lords of the Articles should consist of twenty-four persons, eight chosen freely from each Estate; and that, while this body, as of old, was to transact the legislative business committed to them, there was to be a remedy by motion in full parliament, against their absolute rejection of any measure laid before them.* Next day, when the commissioner's draught of the act was brought in, it was met by a counter-motion, that a fixed committee was a grievance, and this counter-motion was carried.† When the Estates met on the 21st, the opposition were prepared with a bill or draught of an act for regulating committees according to their own views. Proceeding on the vote that there were to be no permanent committees working independent of the immediate pleasure of the house, it made provision for temporary committees being appointed for preparing motions and adjusting projects of law, or other matters brought on in plain parliament.

The commissioner begged that they would consider the matter well before an ultimate decision; and four days later, after a long debate, they modified their plan so far as to propose that each Estate should elect its own representatives in committee. But another element in this vexed question had come up for consideration,—how far the government, whose servants used to have a voice among the Lords of the Articles, by right of office, should

* "His majesty's High Commissioner signified to the Estates, that he had instructions from his majesty anent choosing and regulating the Lords of the Articles—that eight lords, eight barons, and eight burroughs, should be chosen by the respective branches to sit upon the Articles, and prepare matters for the parliament in the usual manner; and that albeit any matter were rejected in the Articles, it might nevertheless be brought in to be considered in full parliament."—*Minutes of the Estates.*

† Ibid.

retain this power; and it was distinctly voted that the officers of state should not be members of committees unless they were so elected. The commissioner then intimated to the house that, as the measure did not agree with his instructions from the king, he could not give it the royal assent without communicating with his majesty.*

A spirit now gradually predominated in the Estates which showed that the king was well justified on popular grounds, in his protection of the prerogative. The majority, finding themselves compact and powerful, resolved not to lose those prerogatives which they had obtained when they acted without a head. The quarrel about their own powers in working by committees, grew daily deeper, and it was aggravated by their passing other measures, which the commissioner declined to touch with the sceptre as the attestation of the royal assent. If Scotland had been a detached state—if the adjustment of her government had not, by the unavoidable influence of the larger state, moulded itself into some analogy with that of England, the great houses who adopted revolution principles would have made the country an aristocratic republic like Holland or Switzerland. To the vote against the government on the Lords of the Articles, there was at first attached a significant clause, importing that if measures could be obtruded on the Estates, contrary to their solemn determination, their vote of the crown to the present sovereigns might have less efficacy than it ought to have, but this was withdrawn.†

In the parliamentary conflict, remarks were dropped about the folly of dismissing one tyrant only to embrace another; and there were inquiries into the power of the Stadtholder of Holland, as if it were unworthy of the dignity and independence of the country that the holder

* Minutes of the Estates, 25th June. † Ibid.

of that limited function should enjoy a greater power in Scotland.*

The parliamentary majority organised themselves by meeting separately in a tavern, kept by a man named Penston, where they settled their plan of consolidated operation by discussion and vote, appointing a clerk and otherwise systematically conducting their proceedings.† Thus acting through organisation, they received the name of the Club, and they were sometimes stimulated by extra-parliamentary bodies, who met to discuss the practical politics of that stirring time, and were also called clubs.‡

It was justly observed, that the parliamentary club thus pursued that method of arranging their business by a fixed committee, which it was determined to deny to the government. They brought their measures before the house prepared and digested, with a pre-engaged majority for their support; while the officers of the crown, denied the usual means of arranging their measures, and unpossessed of influence to carry them, were in the position of an ill-organised opposition, tabling proposals which were only subject to the contempt of a capricious assembly.

The party thus becoming organised was thoroughly oligarchical. Had it achieved its objects, it would have only secured its own power. It had no views for the improvement of the condition of the people at large, and never brought their opinions, feelings, and interests within the scope of its deliberations. In one great element only was the influence of the common

* Melville Papers, p. 105. † Ib. p. 153, *et seq.*

‡ The terms of mystery and doubt in which the occasional notices of these clubs occur in the correspondence of the day, in connection with the real dangers of the time—for they sat during Dundee's campaign—have often a tone of similarity to the accounts of the state of France at a juncture too well known. The analogy is incidentally heightened from the first form of the name given to the followers of the exiled prince, and derived from his Latin signature. It afterwards became *Jacobites*, but it was then *Jacobins*.

people at that time brought systematically to bear on politics: this was the religious. The presbyterians of Scotland had, by their compactness and firmness, achieved what the Irish catholics never obtained a shadow of until comparatively recent times—an influence in the government—which made state parties purchase their political support by humouring their religious demands. But it is noticeable that the oligarchy, at the beginning of King William's parliament, felt themselves too strong to need such aid, and thrust the claims of the presbyterians contumaciously aside, while asserting their own. In the perplexity of these difficulties, Sir John Dalrymple recommended that the government should proceed to the settlement of the church, deeming that so exciting a question would draw the club off their political chase;* but he was mistaken. In debate, on the 28th of June, it was determined by vote to postpone the settlement of the church to the secular matter before the house;† and Sir John Dalrymple bitterly remarked, that the members preferred the destruction of the State to the settlement of the Church.

The secular business to which it was postponed, was of a formidable and exciting kind. The Club wanted to make some victims among the king's ministers who opposed them. They had angry debates, already alluded to, about the terms in which the crown had been offered, and maintained that, if the king felt himself at liberty, by those terms, to restrain the power of parliament by

* Letter to Lord Melville, 25th June 1689.—"Melville Papers," p. 83. This long letter is instructively filled with curious state information, for which, however, we have not to thank its writer, who says, at its conclusion:—"There are many things here in confidence, not fit to fall by—therefore read and burn." All who are accustomed to read state letters, must have noticed how frequently the existence of this request carries the evidence of its being disregarded. Its frequent occurrence would tempt one to believe that it was generally treated as a reason for preserving the dangerous document.

† Minutes of Estates.

fixed committees, the commissioners sent to offer the crown had forgotten their duty and betrayed their country. The Earl of Argyll, who was the chief commissioner, became alarmed by a view which seemed to hold him responsible indefinitely for the conduct of the monarch, and begged earnestly that the house would examine into the matter, and discharge the commissioners as having fulfilled their duty. The house went from this point to questions about the advice that had been given to the king to resist the desires of the Estates, that the advisers might be made responsible for their conduct. But they found a more emphatic way of striking a blow in a very sensitive place. The two Dalrymples were the ablest and most effective advisers of the king in his resistive policy, and the younger, as we have seen, was suspected of having begun it with the offer of the crown. They had both held office under the Stewart kings; and a measure was brought in to disqualify for office all who had rendered themselves offensive to the country by partaking in the illegal proceedings of the late reigns. This was the project which the house took up in preference to the settlement of the church, brought before it with the vain hope of drawing attention off so formidable a subject. By those who stood out in its support, the question was asked, if it were reasonable that a king should be dismissed for his evil deeds, while the men who recommended and executed them were retained in the public service? The house adhered to this project, and carried it into an act, to which, however, the commissioner would not give the sanction of the crown.

On the 9th and 10th of July, that discussion about parliamentary powers, which the Estates deemed the most momentous to themselves, again arose in the consideration of new instructions from the king. He offered a compromise, according to which the Lords of the Articles were to be enlarged from twenty-four to thirty-three, from

eight for each estate to eleven; and they might be chosen monthly, or even at shorter intervals. But the Estates were still obstinate. The commissioner again attempted to draw them off the stubborn assertion of their own plan, by placing the settlement of the church before them. But though he coupled it with a proposal, which should have had personal attractions for many of these pertinacious politicians, to restore all forfeitures which had been carried out since the year 1665—the effort was again made in vain. The discussion was, however, effectually broken up for the moment, by a startling intimation by the commissioner, that a formidable conspiracy against the government and the Estates of Parliament had been discovered in operation at their very door. As earnest of sincerity, he announced that he had ordered the arresting of the Duke of Gordon, and of thirty-seven other persons of various degrees in rank. When the matter was examined, it dwindled down from its portentous magnitude, embracing nothing beyond some arrangements for reinforcing Dundee's army; and the commissioner did not escape the suspicion of having exaggerated the danger, for the paltry purpose of producing excitement, and withdrawing the attention of the Estates from their favourite measures.*

The rest of the session was spent in other unavailing efforts, which it would be tedious specifically to describe, to draw the attention of the Estates away from the objects on which they had fixed their determination. They would neither turn to other objects, nor accept the king's proffered compromises. While this dispute was at its climax in the middle of July, the suspicious inquiries which had been directed against the conduct of the commissioners sent with the offer of the crown, were sternly resumed. A list of searching questions was drawn

* Minutes of Estates. History of the Affairs of Scotland, &c.

up, and it was carried that, in imitation of the Scottish method of conducting criminal investigations, each of the commissioners should be interrogated apart and alone.* It has been mentioned already, that there were differences of opinion among the commissioners, which the investigation would have revealed; but it was interrupted by adjournment, and never pursued.

Ere this unpromising session came to an end, the Estates opened a new source of debate with the crown, intimately connected with their other quarrels, since it involved an attack on the elder Dalrymple, whom the king desired to put at the head of the law. The bench, eminently rotten, required to be totally reconstructed; and the Estates wished to take at least a large share of this function out of the hands of the crown. If the history of the previous reigns were a justification of their doing so, the project was amply justified. It was not wonderful that, after what they had seen during the past twenty years, the Convention Parliament desired to have the appointment of the judges. But, whether the king anticipated the view, that responsibility to parliament is most sensitively exercised by crown nomination under parliamentary responsibility, or acted merely on the suggestions of his own stubborn Dutch temper and sense of regal due, he would allow no interference with this function of the prerogative.

It was admitted by the opposition that, in the case of

* Among the interrogations were,—

"Did you, or any person for you, put any gloss or interpretation upon any article or point of the Claim of Right, or of the Grievances, not leaving them to the plain and literal sense?

"Did you offer any advice to his majesty upon the first Grievance, concerning the committee called the Articles, or concerning choosing committees of parliament, or concerning the officers of state, their being supernumerary in committees—if you did, what was your advice?

"Did you advise, or draw the instruction to the commissioner relative to the grievance anent the Articles?"—*Minutes of Estates.*

ordinary vacancies, the crown had the appointment of the successor; but now, they said, that the whole machinery of the state had to be re-adjusted, from the monarch downwards, it behoved the Estates of the realm, who had given a head to the government, likewise to aid in the reconstruction of those courts of justice on which so much of the stability and efficiency of the new settlement depended. And there was a technical reason of some weight started by them—the king never had the absolute appointment to a vacancy. The nominee was subject to an examination of his qualifications by the existing bench, and if they were dissatisfied, they had a veto on his appointment. Since a totally new court was to be made, there was no existing bench to try the qualifications of the nominees. It was thus, they said, judicious, and no more than fair, that the Estates should have the choice. They carried an act to this effect. It also authorised the judges to choose their own president —a privilege which the king arrogated to himself, and which, they knew, he was to exercise in favour of the offensive Dalrymple. This was among the measures which did not receive the royal assent.

In the meantime, the Estates, to show their sincerity, took such measures as they could to stop any system for administering justice without their consent. Until measures were taken for filling up the bench, it was technically said that "the signet was shut." This was a stamp or seal by which the royal authority was conveyed to judicial executive writs. It has been usual to speak of it in Scotland, like the Great Seal in England, as the visible representative of the regal authority in its executive capacity. It was preserved in the custody of the secretary of state, as the adviser of the crown. It might be supposed that there was no branch of the prerogative which could less legitimately come within immediate parliamentary control. Yet, when a royal proclamation

was issued opening the signet, as preparatory to the nomination of the bench, the Estates ordered it to be shut, until, as they decorously professed, they should receive his majesty's pleasure on their own measure for reconstituting the bench; and this obstructive order was obeyed, without any immediate resistance by the king.

In autumn, when the Estates were not sitting, and, from various causes to be presently noticed, the opposition had lost much of their strength and determination, the king re-opened the signet, and appointed a new bench of judges. Their commissions bear date on the 1st of November. He found a plausible and ingenious method of meeting the difficulty about the examination of nominees. Three of the new judges had been previously on the bench, and might be supposed capable of examining their brethren. They formed a nucleus of examiners, which increased as each nominee went through the form of being questioned, and on his qualifications being admitted, took his seat with the examiners. Sir James Dalrymple was named President, and his brethren courteously observed that he was the only one on whom their selection could have honourably and fairly fallen. He was, indeed, one of those men whom, from their transcendant reputation, it is always safe to promote, because if they should fail, the world, which has swelled their fame, may be justly blamed with making the mistake of which the dispenser of patronage seems the innocent victim. His high repute in walks far beyond the bounds of his profession, has already been spoken of. Had he been even less illustrious as a lawyer, such incidental claims might have gone far to justify the prince's selection. But there were elements of opposition which no claims, however transcendant, could neutralise, for there were others who wanted the office; and one of them, as we shall see, became so frantic with disappointment as to plunge into a plot for the restoration of King James.

It is scarcely possible to conceive how utterly polluted the fountain of justice had become during the two preceding reigns. The Scottish bench had been profligate and subservient to the utmost conceivable extent of profligacy and subserviency. Suitors, who were embarked in questions sufficiently important to attract the interest of the monarch or his courtiers, shrank from the tainted tribunal, and preferred to the judicial decisions of trained lawyers, the rough equity of a parliamentary vote,—a scandal on Scottish judicial honesty, of which the modern system of Appeals is a faint echo. Men in high judicial office employed their functions to plunder their opponents, with the brazen effrontery of victors on a field of battle. A great statesman, who had any personal suit before the court, would take his seat on the bench, where he had a nominally official right to a place, and looking round him with an ominous frown, defy the professional lawyers on their peril to decide against him. Stair, in his "Apology," boasts, like a man claiming credit for almost superhuman virtue, that when he was on the bench he took no bribe, that he did not insolently oppress, and that he would not let his children solicit his judgment in favour of those who propitiated them with friendship and presents. Even when so corrupt a system was fast resolving itself into purity, it would contain elements loathsome enough to offend a high sense of integrity; and the king, a year or two later, was shocked and astounded when he heard of the corruptions which still scandalised his supreme court in Scotland. If the old president had honesty enough to effect an entire change, which was doubted, his firmness seems to have been insufficient for such an achievement. There was one of far more limited genius, but greater strength of character, who would have continued to occupy the supreme chair, had not a tragic end, symptomatic of the social condition of his age and country, overtaken him in the middle of the Revolution.

This was Sir George Lockhart, who was shot in the High Street by Chiesly of Dalry, for giving a decision which prevented the ruffian from following up a scheme of domestic tyranny by starving his wife and children. It is true that Lockhart had been made President by King James; but he had rather taken the place by storm than gained it by unworthy concessions; and his opposition to many of the unconstitutional acts of Charles's reign had been so stern and effective, that James deemed it wise to have his aid and countenance in office. Like all men placed as he was, the sincerity of his conduct, in becoming a party to toleration projects which were known to be hollow and fraudulent, exposed him to suspicion. His vindication was a simple one—he had all his days fought against intolerance, and he was not to resist a policy decidedly in that direction because people suspected farther projects, of a totally different kind, to be concealed beyond it. When the evil plans were opened up, he would not be wanting to his principles in resisting them. The question of his sincerity is buried in his bloody grave; but there is little doubt that with his strong hand and resolute purpose, the Augean stable would have received a different cleansing from any that the venerable sage of the law could carry out. Some remedies were attempted by statute, which, like the regulations for preserving temperance among the ladies at Russian state gaieties, show how sad must have been the defects where such corrections were needed. The general object of these improvements was to prevent judges from going out of their way to serve themselves or their friends by their decisions. It was impossible to render them strictly honest by act of Parliament; but it was possible to reduce their opportunities of dishonesty, by making the causes go through a regular routine, so that those who had a design to pervert justice in any particular instance, might possibly have no opportunity of doing so. Another regulation

presumed the existence of a system no less scandalous. It required that when the assembled court came to a judgment, it should be written out in their presence and immediately authenticated, for it appeared that no officer, however high, could be trusted with the function of honestly setting forth the decision. Such correctives indicated deep moral disease, which it took the increasing integrity of a century, aided by the elevating tendencies of the higher judicial standard of England, effectually to remedy.

The Parliament with which the working of the Revolution Settlement opened so unpropitiously, was brought abruptly to a close on the 2d of August. The Estates, thus dispersed in the middle of their contests, left but faint traces of their labours in the transaction of the weighty business before them. The contest with the crown indeed ran so high that the adjournment was made avowedly to put a stop to business, and terminate assemblages in which, as Sir John Dalrymple expressed it, a prerogative was sacrificed every day. It showed the apprehension of the crown's advisers, that the essential business of raising a revenue was abandoned, among others, and the government had to keep the troops on the English establishment, with such advances for occasional emergencies in the war as could be obtained from private persons or corporations on the credit of future supplies.*

* The council books for some time are full of clamant appeals from the communities on which the troops were chiefly quartered, and the adjustment of the debts thus incurred seems to have been very tedious and complex. As one instance, on the 6th November 1690, the burrow of Inverness sets forth "That the petitioners are like to be ruined and undone, and that through the insupportable burden of accommodating and furnishing of his majesty's forces that ly in garrison in the said town, the very expenses of coal and candle to thirteen several guards of foot and horse since May 1689, amounting to two thousand one hundred and eighty pounds, conform to the note of the same produced, and that by and attour the accommodating the soldiers in bedclothes, lodging, and other necessaries." The council desired that the neighbouring counties should in the meantime participate in the burden.

The opposition could point to no fewer than six important acts which had passed the Estates, but had not been touched by the sceptre. On the other side, the king published his private instructions to the commissioner, bluntly maintaining that he had shown his anxiety to promote measures for the public good. This was an unprecedented withdrawal of the vail of secrecy which usually shrouds the individual policy of a monarch, whether he be an irresponsible despot, or the constitutional head of a state, whose acts are sanctioned by responsible advisers. It has been thought that the unusual revelation was intended as a tacit reproof to the Commissioner. But there is no occasion to seek for such a motive. The act was characteristic of King William's ideas of government. He was a working king, who courted responsibility and submitted the performance of his functions to criticism and general appreciation. Close and reserved about his private and domestic affairs, and about any great state projects which he deemed it dangerous to reveal, he had no regal pedantry about the ordinary course of government, and was frank in the explanation of his views and wishes. Nor would he willingly permit any act of importance to be done without his full knowledge. It is thus that we find him adjusting the varied constitutional machinery of his dominions for convenient superintendence, adjourning the Scottish Estates while the English Parliament was sitting, and postponing meetings of the General Assembly until the state of the war abroad enabled him to attend to its proceedings. This responsible activity is a quality not desired in the constitutional monarch of a systematic government, but without it the Revolution Settlement would not have been adjusted—or at all events would not have been what it was!

After the Parliament was over, the dispute between the king and the Estates took a more formidable shape,

and in its climax developed an incident which effectually broke the parliamentary opposition.

On the 15th of October, a "humble representation" was presented to the king by certain commissioners of shires and burrows, complaining bitterly of the government policy, and censoriously pointing to the acts which had passed the Estates, but had not been touched by the sceptre. The representation might have passed off with other forgotten discontents, but for an offensive pamphlet written in its vindication. This was attributed, from its venomous tone, to Ferguson, the celebrated plotter, who could not take up the pen without immediately dipping it in poison.* The writer, whoever he was, spoke out at once the vulgar and sordid motives of his employers, in rude jeers about the incapacity of the secretary of state, and the wretchedness of the government which could prefer such a man's services to those which were otherwise obtainable in the person of his disappointed competitor. This production gave high offence. Diligent inquiry was made after those who had most deeply concerned themselves in the representation and remonstrance, and the envious allusions to the disposal of patronage furnished a clue to some disappointed aspirants, who had became zealous supporters of parliamentary power and the presbyterian church. The malcontents in their representation said, "We in the first place most solemnly protest and declare, in the presence of God and men, our constant and inviolable fidelity and adherence to your majesty's royal title, rights, and interest, so frankly and chearfully recognised by us in this Convention Parliament, wishing and praying for nothing more under the sun than your long and

* "The late Proceedings and Votes of the Parliament of Scotland, contained in an Address delivered to the King, signed by the plurality of the members thereof, stated and vindicated."—*State Tracts*, published during the reign of King William, vol. iii., p. 469.

prosperous reign, as that wherein the securing of all our lives and liberties, and also of our holy religion, more dear to us than both, is infallibly included." *

The narrative now following leads us to those persons, and indicates the character of their zeal for the Revolution Settlement and their holy religion. Bishop Burnet states that one day he received a letter from a person who did not reveal himself, but who opened a channel of communication through which the bishop might master the secrets of a plot, deep-seated in unsuspected quarters, to overturn the government and bring back the exiled king. Men in the middle of active political life like Burnet often received such communications in that day. Sometimes they came from fussy or imaginative people whose zeal led them astray—sometimes they were written mischievously to mislead. The sagacity of the receiver of such a letter was taxed by a decision whether or not it implied anything serious. In this instance, Burnet, to whom experience must have given skill in such matters, thought the communication merited attention. By the arrangements which he made when he followed up the inquiry, a person named Williamson was seized at Dover, in the expectation that in his custody would be found letters from persons in the confidence of the government, sent to the court of France for the purpose of making arrangements to meet and facilitate a jacobite descent. Williamson was raised from sleep in his inn, but not a scrap to implicate himself or any other person was found in his possession. This disappointment, which was not entirely concealed, called out some ridicule on the bishop's well-known propensity for diving into state mysteries. His information, however, was substantially correct, but he did not exercise enough of the requisite

* State Tracts published during the reign of William III.

science in employing it. Williamson had not received the bundle of important letters which he was to carry to France. He was waiting for them when he was caught. A man named Wilson had charge of them, and as he approached the inn where he was to deliver them to Williamson, he saw there the alarming bustle of state search. Thus warned, for his own safety as well as that of his employers, he did not attempt to meet his confederate, but took boat and conveyed his burden across the channel.

The matter was almost forgotten in grumblings against the suspiciousness of the upstart government, when the other end of the clue was picked up in Scotland. There, one of the conspirators had been charged by the others, with secretly opening a letter-bag bearing the seal of King James intended to be examined only in full conclave, withdrawing essential documents from it, and then resealing it,—but not so skilfully as to prevent eyes sharpened by suspicion from discovering his treachery. Thus detected, he deemed it his best course to go to Lord Melville and reveal the plot. One would fain believe that the minister was startled and horrified by such a revelation coming from such a quarter. Certainly it is one of the ugliest incidents which history has to record. The person who went to betray his fellow-traitors was Sir James Montgomery of Skelmorlie, a privy councillor—a person deeply engaged in all the movements of the revolution government, and so entirely identified with it, that he was one of the three commissioners sent by the Convention to offer the crown to King William. Still farther, the person who thus engaged to bring back King James, was one of the most zealous of the professing ultra-presbyterian party. He impeached two colleagues who were in the same confidential position with himself, the Lords Annandale and Ross. They were both privy councillors, and officers in the army.

They had been among the most earnest and active in the furtherance of the new government, being of those who literally oppressed the king with advice how to baffle his enemies. Ross had made his zeal for the new king memorable by moving that the members of the Estates should take the oath of allegiance before beginning to business. These men have been often spoken of as a deep scandal to the presbyterian religion; but in reality their conduct stains no religious opinions, and they are truly a scandal to the practice of working for political or personal objects through a professed sympathy with popular religious opinions—if it can be said that such a practice admits of being scandalised.* The working means on which the conspirators calculated was the perverse zeal of the Cameronians; but in their treacherous hearts, they were incapable of appreciating the amount of purity that exists in honest bigotry; and we shall find that similar calculations on the availability of these stern and perverse men were, seventeen years later, doomed to a mortifying disappointment.

As to the motives of the chief conspirators, they were of the simplest and basest kind. They had not got the offices they wanted. Montgomery desired to be secretary of state—Ross to be lord president of the Court of Session. The aspirations of Annandale have not been so distinctly announced. They were all identified with the party which, at the end of the session of parliament, when the chief offices were disposed of, had demanded further concessions from the crown. But there was nothing in this to awaken in the candid any suspicion of their machinations. Their open demands were ultra-revolutionary—their plots were for the restoration of the exiled house.

* Lord Melville, at a loss for an expression appropriate to such political conduct, says, "He that can make such daring visible strokes as to reconcile himself to a popular arbitrary power, in an apostolical way, no tie of friendship will ever bind, let his pretences to reformation and repentance be what they will."—*Melville Papers*, p. 500.

When the clue to their treachery was obtained, there was a competition among these men of lineage and station, each to save himself by fully informing on his colleagues. Lord Ross, apparently the least active, attempted to hide himself when he saw suspicion roused. He wrote to the secretary of state to say that he was innocent; but as there were unworthy suspicions against him, which might cause his imprisonment, and as a life of restraint to one who, like him, had been accustomed to the free air of heaven, was likely to have baneful results, he thought fit, on reflection, to retire to England.

Thither the whole question was carried. Lord Melville saw indications so formidable and indistinct behind the revelations made by these traitors, that he thought it would be well to assure them of safety as the price of further information.

This incident was but one element in the gloomy horizon which then seemed closing around the revolution throne. Queen Mary was then alone in London. She showed resources in courage and capacity, which well justified the high respect which her husband entertained for her as a ruler. It was, indeed, to her a time of doubt and anxiety. She had just heard that the Dutch troops had suffered a defeat by the French at Fleurus. The one naval humiliation of Britain before France had occurred at Beachy Head. The French fleet swept the channel, and threatened and insulted the coast. The battle of the Boyne had not been fought, and she only knew that her father and her husband were at the head of armies which must come into conflict. The royal messengers both from Ireland and Scotland were intercepted, and for weeks nothing had been heard from the responsible officers of the government in Edinburgh.* In the midst of all this

* Lord Melville, at this moment, thus emphatically describes his own position in Scotland (10th July):—"You may easily judge the disadvantage I am at, not hearing from the queen—the king at such a distance—all intelli-

doubt and anxiety came Montgomery's plot, which it was necessary that her majesty should investigate; for one of the impeachers, endeavouring to obtain a confessionary audience of the king, reached Chester for the purpose, after William had passed on towards Ireland. The investigations which she personally and in privacy conducted, are of a kind more naturally associated at the present day with a crown lawyer or a commissioner of police, than with a woman of distinguished rank.*

She showed on the occasion courage and practical ability. She met the traitors severally alone, examined them rigidly, and kept business-like notes of their revelations. But there was evidently one point on which they did not understand each other. Her majesty thought that she was dealing with criminals, buying their safety by informing on each other, and so treated them; while they seemed to look on themselves as statesmen, who were

gence cut off; the strength of our forces in the Highlands, where communication is cut; such a general as would follow no counsel; no money either to pay the forces or defray the expense of the government, to keep intelligence, or do anything necessary; threatened with an invasion which the Jacobins are daily and hourly expecting; neither having arms, ammunition, nor officers; so many disaffected people waiting but an opportunity to break out, and well appointed to it; and one of the greatest disadvantages of all, traitors in our bosom, so that we cannot promise ourselves twenty-four hours' quiet." —*Melville Papers*, p. 466.

* The announcements were vague enough. She says, writing to her husband on the 8th of July, "This evening there has been a person with me, from whom you heard at Chester, and whom you there ordered to come to me, as he says—he believes you will know him by this, and will by no means be named, and, what is worse, will name nobody, so that I fear there is not much good to be done; but I won't give over so," etc.—*Appendix to Burnet's* "Memorial of Mary of Orange."

The queen's letters to her husband at this time are very interesting. There is in them much masculine understanding and ability, mingled with an entire reliance on the superior powers of the same kind possessed by her husband. They are like the letters of an able subordinate to his more able superior officer. One cannot find in them the utterly thoughtless and heartless creature whom Sarah Jennings describes running up and down the palace, and tossing about the moveables, when her father's fate was uncertain. However slight her affection for him, frivolity was not the shape in which its deficiency was likely to be shown.

making conditions for their services. Lord Ross desired, for instance, that to save him from the suspicion of his accomplices, he should be admitted as if to an audience, and was angry and alarmed, when he found himself denied the etiquette of his rank, and bluntly asked to give categorical answers to a series of questions. The approvers, in fact, founded on a social distinction not easily recognised at the present day. They stipulated that they were to be treated as gentlemen; and it was part of this condition, that they were not to be produced as witnesses in open court, but were merely to afford secret information. This was a favourite distinction at that period, and is often found accompanying the revelations of political plotters. It is not easy at first to see how secret information should be deemed less dishonourable than open testimony. Before utterly condemning the distinction, however, we must remember that the stipulation for secret information involved the condition, that it could not be used, like testimony, against the persons implicated by it, and could only be employed by the government as protective knowledge. This was the view which Ross and Montgomery professed to adopt. Ross was alarmed by the queen demanding written answers to her questions. He said it was beyond their bargain that his handwriting should remain to be seen, and possibly made use of. The queen then charged him straightway with concealment and prevarication, and had him committed to custody on a warrant for high treason. This promptitude alarmed the other two conspirators, and appears to have given much concern to Carstairs, who had promised an indemnity to Ross, and Melville, who had made a similar engagement with Montgomery. They knew that the queen always stood forth for hard and crushing measures against the enemies of her husband's government; and she seems to have been extremely unwilling to let go her hold on this little

group of traitors.* They gave obscure hints about great men being implicated in the conspiracy—men so great, that it was dangerous to name them, lest they might deny the charge, and crush the accusers. History has unfortunately told us, that there were at that time very great men to whom such insinuations might apply; but it does not appear that the Scottish traitors had practical connection with the deeper negotiations of the English statesmen, or proceeded on anything extending beyond the bounds of their own confederacy and the Scottish Jacobites.

Annandale was the most explicit of the three. He represented himself, after the usual method of accomplices, as unconscious innocence betrayed by deep guile. Yet he did not conceal the mercenary objects of the design, but bluntly said, that Montgomery came "and proposed to him that, since there was no hopes of doing anything with the king, we ought to apply ourselves to King James, who was our lawful prince, and who no doubt would give us what preferments and employments we pleased."† They came presently to an understanding with the Jacobites, and being accomplished tacticians, arranged, as the commencement of a bold movement, that the adherents of the exiled court should lull suspicion by flocking to take the oath of allegiance.

Among the documents which the conspirators had received, was a commission to a cabinet of five. Among them were, of course, Annandale, Ross, and Montgomery.

* "There was," says Lord Melville, pleading for Montgomery, "no good to be had by his being rendered desperate, and his estate is worth little or nothing, it being broke by debt; and I know neither the king nor your majesty cares for blood,—besides, he was not in your hands. I had much ado to get him to this, he is so jealous—especially since Ross was put in the Tower." He begs, that the matter may be left for the king's settlement; and, recurring to her inclination for severity, says,—"I do not see what this could contribute to your service; besides, it would render me the more incapable to serve you; and I cannot be charged with having a hand in any dirty thing in all my life."—*Melville Papers*, p. 480-81.

† Melville Correspondence, p. 506.

One of the places was left blank. The other was filled with the name of the Earl of Arran, the Duke of Hamilton's son; and as the duke himself was to be president of their privy council, these documents had no tendency to allay the suspicions he had raised by his doubtful conduct. A general indemnity was to be granted, six persons only being excepted. Among these, Lord Melville had the satisfaction to see his own name and his son's. They were accompanied by that of Sir John Dalrymple, whom the conspirators had just been endeavouring to ruin, with the aid of the ultra-revolution party, for not being sufficiently devoted to that cause. The list was completed with the names of General Mackay, General Douglas, and Bishop Burnet. There were other documents of a confidential nature, which Annandale could not describe, as they were those which Montgomery had stolen out of the leather bag. Among the miscellaneous persons whom they compromised in Scotland, were the Duke of Queensberry, Lord Atholl, and Lord Breadalbane. Their direct allies in London do not seem to have been either numerous or powerful. Most conspicuous among them was Ferguson the plotter; but he appears so fugitively and indistinctly, that we may question if he did not attach himself to them as a spy. He had worked the deepest and most dangerous plots against the Stewarts; had come triumphantly over with the Dutch army; and had been appointed to a comfortable government office in London. That he should have so suddenly become an anti-revolutionary plotter, is not easily to be believed. But he is one of the historical characters to whom it is often deceptious to apply ordinary rules of credibility; and if we take the word of Annandale, he was the master-demon of this plot, as he had been of the conspiracies on the other side.*

* Ferguson, when he changed, after the Revolution, from a presbyterian or an independent in religion, and a revolutionist in politics, to be high episcopalian and Jacobite, published a list of the works which, being written before

Another person connected with the plot in England, was a country gentleman called Neville Payne. Being threatened with a prosecution for high treason, he escaped to Scotland. There is reason for thinking that he was designedly frightened across the border, that an expedient for extracting secrets, fortunately unknown in England for many years, might be applied to him. Lockhart, the Scottish solicitor-general, wrote from London to Lord Melville, saying, that Payne knew secrets that would "hang a thousand;" but he would only part with them under torture. "Pray you," says the law-officer, "put him in such hands as will have no pity on him; for, in the opinion of all men, he is a desperately cowardly fellow,"—a censure which the result was far from vindicating. Torture had been denounced by the Claim of Right; but an opening was kept to award it in special and important cases. To the scandal of the revolution government, it was applied in this instance; but the incident gives an opportunity for recording the extinction of the brutal practice, for Payne was its last victim, at least for political offences, and it did not last many years after the Revolution in any shape.

The privy council records show that Payne was subjected to torture on the 6th of August, on suspicion of "a treasonable and hellish plot," along with three obscure accomplices. He revealed nothing. It is remarkable, that he was a second time tortured, under instructions signed by the king, and countersigned by Lord Melville, on the 10th of December. They directed the council, "in case he prove obstinate and disingenuous, that you proceed against him to torture, with all the rigour that the law allows." Thus King William's name is not free of reproach in this matter—but it must be remembered that the law of England was the only code in Europe which

his conversion, he repented of, and another of his favourite works; but the vindication above-mentioned is in neither.

then dispensed with judicial torture. Again, the victim revealed nothing, but "in a boasting manner bade them do with his body what they pleased."*

On the 6th of January 1691, Payne's nephew presented a petition to the council, stating that, in the present condition of his health, with the pain from torture in his thumbs and leg, close confinement would speedily cut him off. Referring the matter to medical considerations, the council addressed his majesty, humbly representing that, in the Claim of Right, the delay to put persons to trial is declared to be contrary to law; and desiring that either the lord-advocate should be in-

* Lord Craufurd next day gives the following sad description of the scene, which contains a strange estimate of what he deems "consistent with humanity:"—

"Yesterday, in the afternoon, Nevill Payne (after near an hour's discourse I had with him in name of the council, and in their presence, though at several times, by turning him out, and then calling him in again), was questioned upon some things that were not of the deepest concern, and had but gentle torture given him, being resolved to repeat it this day;—which, accordingly, about six this evening, we inflicted on both thumbs and one of his legs, with all the severity that was consistent with humanity, even unto that pitch that we could not preserve life and have gone farther—but without the least success; for his answers to our whole interrogatories, that were of any import, were negatives. Yet he was so manly and resolute under his suffering, that such of the council as were not acquainted with all the evidences, were brangled, and began to give him charity that he might be innocent. It was surprising to me and others, that flesh and blood could, without fainting, and in contradiction to the grounds we had insinuate of our knowledge of his accession in matters, endure the heavy penance he was in for two hours; nor can I suggest any other reason than this, that by his religion and its dictates, he did conceive he was acting a thing not only generous towards his friends, but likewise so meritorious, that he would thereby save his soul and be canonised among their saints. My stomach is truly so far out of tune by being a witness to an act so far cross to my natural temper, that I am fitter for rest than anything else. Nor could any less than the danger from such conspirators to the person of our incomparable king, and the safety of his government, prevailed over me to have, in the council's name, been the prompter of the executioner to increase the torture to so high a pitch. I leave it to other hands to acquaint your lordship, how severals of our number were shy to consent to the torture, and left the board, when by a vote they were overruled in this. I shall not deny them any charity that this was an effect of the gentleness of their nature; though some others, of a more jealous temper than I am, put only another construction on it."—*Melville Papers*, p. 582.

structed to prosecute him, or he should be removed to England. We shall afterwards find that his examination was resumed in 1693, and that to the scandal of the judicial institutions of the day, he was kept ten years a prisoner without trial.

While this inquiry went on, it was known, from other sources, that the exiled king desired to send his natural son, the great Duke of Berwick, to command the army of restoration, and it was supposed that the king of France was ready to contribute a large force. But it was not clear how far the Scottish intriguers were associated with so great a project. No one was brought to trial for the affair, though Montgomery made a narrow escape. The possession of a pass from Lord Melville brought him under suspicion with the Jacobites; and though he told them that he had forged the pass, they thought him too thorough a traitor to be farther trusted. At the same time, he had to flee from a warrant of commitment. He spent the remainder of his days chiefly abroad, associating himself with miserable plots, and trusted by no one. Such was the end of an able man, who had not principle and firmness enough to exercise even the moderate restraint which passed for honesty in that age.* His fellow conspirators, Annandale and Ross, repented of their folly,

* He seems to have narrowly escaped capture in 1693—a year of deep plotting. Alexander Johnston, the secretary's brother, writing to Carstairs on 19th September, says,—"Yesterday I met accidentally Sir George Campbell, and delivered your message, and invited him to dinner. As he was going to his lodgings, in King Street, Westminster, 'twixt the Privy-garden wall and the Kockpit, a gentleman in a hackney coach called to him and spoke to him, who was Sir James Montgomery. They stopped not, but drove on beyond Whitehall. Within half an hour or less he sent for me, and told me the story, which surprised me exceedingly, both on the account of Sir George's sillyness and Sir James's boldness. It was too late to retrieve it; so I scolded Sir George exceedingly. How easily he might have had him seized, there being two sentries upon the guard at Whitehall and in the Park House, and so but calling out 'a traitor,' the very people had stopped the coach and taken him."—*Carstairs' State Papers*, p. 193.

and rendered themselves so important as to be appointed to places of high trust.

Ere the Estates re-assembled on 15th April 1690, many things had occurred to promote a desire of conciliation between them and the king. The aggressive spirit of the oligarchical opposition was greatly subdued, and the new king was better instructed in the character of those with whom he had to deal. The battle of Killiecrankie occurring just at the conclusion of the previous session, taught them the formidable character of the common enemy, while Montgomery's plot showed them how falsely they might appreciate their own strength, so far as it rested on the ultra-professions of their associates. On the other hand, the result of the war in Ireland suggested to them that their real strength was united with the new monarch's cause, and that a cordial and natural support to it was their best protection from hostility and treachery. Similar considerations showed both parties that their strength lay in a union with the presbyterian community. They had a considerable embodied force, who had fought gallantly for the Revolution; and, daily, episcopacy and the cause of the exiled prince became more closely united.

Accordingly, in his instructions to Lord Melville, who now succeeded Hamilton as commissioner, the king promised all encouragement and good will to the presbyterians, desiring that they would pursue moderate councils. He directed that the acts passed in the last session, tending to favour their interest, should be touched with the sceptre, and proposed to carry out a final settlement of the church. At the same time he gave up the main points of difference about the method of parliamentary proceedings, trusting that the Estates would, on their side, abandon the hostile measures of the previous session. One of these measures—the reconstruction of the court of session—had, by the king's firmness, been, as

we have seen, taken out of the hands of the Estates. Had the question been left open, it might have created serious discussion; but though some hostile expressions were dropped, and sharply noticed by the Commissioner, the house did not venture on a serious conflict by attempting to undo what had been done.*

Along with the formal published instructions for conducting the business of parliament, the commissioner received others of a nature so peculiar that they certainly cannot have been intended for publicity, even if a time arrived when they could be published without the defeat of their object. They are a reflection of the characteristics developed by Montgomery's plot, and thus form a sad involuntary satire on the public character of the statesmen of the day. They empower the commissioner to deal with leading men inclined to opposition, to adjust the distribution of office so as to buy off dangerous opposition, and only too certainly sanction direct pecuniary bribery, should it be found necessary for carrying on the government.† In this and other instances, he seemed to show his hopelessness of raising the standard of political morality which the previous reigns had handed down to him, content if he could govern to good effect, without nicely adjusting the rectitude of the means. In these instructions he has distinctly recorded his convic-

* Minutes, 7th June 1690.

† "You are allowed to deal with leading men in the Parliament, that they may concur for redressing of the Grievances, without reflecting upon some votes of Parliament much insisted on last session, which, upon weighty considerations, we thought not fit to pass into laws; and what employment or other gratifications you think fit to promise them in our name, we shall fulfil the same.

"You are to deal with all other persons as you shall have occasion, whom you judge most capable to be serviceable unto us, that they may be employed as instruments of taking off these leading men, or for getting intelligence, or for influencing shires, or royal burrows, that they may instruct their commissioners cordially to comply with our instructions for redressing of the Grievances; and what money or other gratifications you shall promise them shall be made good."—*Melville Papers*, p. 417.

tion of the utter baseness of the political leaders in Scotland, through whom alone he could govern the country. His judgment was only too accurate as to a large portion of them, though he found afterwards that it was a dangerous mistake to believe that all the men of public influence in Scotland had their price. Thoughtful, anxious, intently laborious as he was in the service of the inhabitants of his new empire,—that he should comprehend all the distracting peculiarities of the Scots in their political and ecclesiastical disputes, was scarcely within the ordinary experience of human ability, and that he should not only comprehend, but remedy them, was a still more fabulous tax on mortal capacity. He required, in practically applying his views to the government of Scotland, men of the highest integrity as his advisers. He happened, unfortunately, to come in contact with bad men, and he naturally thought that he had seen an average of the public and official character of the country. Whether this be or be not the cause, it is certainly true that he formed a debased estimate of public men in Scotland, and acted on it. In this estimate, as a general conclusion, he was far wrong, and the error is at the root of some of the grievous mistakes of his reign.

It seemed, however, in the session of 1690, that the Crown and the Estates had come to good terms. The most important question before the house was, whether they were to conduct business as a free legislative assembly, or work through fixed committees—the same that caused so much angry discussion in the previous session. On this point the king virtually yielded everything. There were to be no permanent committees like the Lords of the Articles, but the Estates were to appoint their committees from time to time to digest measures submitted to their consideration. There was so much of the external appearance of the old system, that in

every committee there must be an equal number of representatives from each of the three Estates. The only difference between the act as it received the royal assent, and that which had been refused it in the previous session, was, that the officers of state might attend such committees, with the privilege of moving and debating, but not of voting.*

The minutes of the Scots Estates, from the Revolution to the Union, might be a valuable source of investigation to one studying forms of government, and desiring information on the capability of a monarchy, with three estates working as a collective legislative body, to form a good constitution. The chapter of experience would not probably open favourably. Though the Parliament of 1690 got through a large amount of business, it underwent disputes and squabbles likely to shake confidence in its form and procedure as a continued system. There was a long discussion whether the acts of the previous session which were to be accepted by the crown required to be voted again. It was maintained that they were acts of the Estates, which, doubtless, required the touch of the sceptre to authenticate them, but they might obtain it at any time. The conciliatory intentions of the Estates prevented this from becoming a serious question, by the formal re-adoption of the measures; but it is clear that a legislative body, where so essential a question stood unfixed by a sufficient train of precedents, was in no condition to support constitutional liberty.

An incident still more curiously indicative of the jealousies that might arise, from members avowedly belonging to different classes working in one legislative chamber, occurred at the beginning of the session. The committees for trying controverted elections, used, like

* Minutes of Estates. The officers of state were—the Chancellor, the Treasurer and his Depute, the Keeper of the Privy Seal, the Secretaries of State, the Lord-Register, the Lord-Advocate, and the Lord Justice-Clerk.

those of the Articles, to be permanent; and now that the matter was to be managed in free parliament, the peers were in doubt whether they should remain in the general parliament hall, or retire into the "inner-house," appropriated to their casual accommodation. Some of them retired, others remained. There was some question which portion was right; and, had there been serious cause of quarrel, it might have swollen into a great national question. Indeed, it was a precedent in miniature of the momentous question at the opening of the first French Revolution, when the third estate would not proceed to business until the clergy and nobles sat with them.*

Disputes and difficulties of this kind were naturally to be expected in a parliament released from the old thraldom of stationary managing committees, and consisting of classes fully as far distinct from each other as the peers and the municipal representatives in the English parliament—yet working in one assembly, and possessing, by the theory of the reformed constitution, equal individual weight in it.

Among the more important constitutional acts of this parliament, twenty-six representative members were added to the Estates, by alterations made in the representation of the larger counties. A measure was passed, important to many of the members, reversing the forfeitures of the preceding reigns. Eminent persons, such as Lord Melville, Fletcher of Saltoun, and Carstairs, were restored to their

* Oddly enough, the dispute in this instance was on the same subject—a committee on elections, or, as the French called it, for verification of the powers. But the Scottish dispute went no farther than to call forth some bitter sarcasms from Sir Patrick Hume of Polwarth, who was the wit of the house. His sarcasms on the occasion of the retiring peers must have been bitter enough, since the minutes bear, that the Duke of Hamilton, in the name of the peers, complained of what they called his indecent expressions, and prayed that he might be removed until the matter was inquired into. Hume, however, who was impulsive, sarcastic, and careless of petty matters of decorum, but very honest, made a rough apology, which was accepted, and so this dispute ended.—See *Minutes*, 29th April, 1st May, 2d May.

position by special acts; but a general act was passed, revoking condemnations and forfeitures on religious grounds, from the year 1665 downwards. It contains a long list of names, curious in the historical celebrity of a few, and the utter obscurity of the far greater number, whose designations assign them to the humblest social position. These measures, with a complex precision which need not be here followed, were directed to the obvious end of restoring so much of the forfeited estates as could be rescued out of the hands of the greedy recipients or donatories who had acquired them from the crown, and without injury to persons who had obtained any portion of them in fair traffic.

These acts of restitution were accompanied by proceedings for the punishment of those who had been concerned in the Highland war under Dundee and his successors — the results of which have to be elsewhere stated. This conflict, which, though it may be called small from the numbers engaged, was large in political importance, demands a separate narrative. At the same time, for the purpose of continuity, it will be expedient to provide a distinct account of the ecclesiastical settlement, which was the most important labour of this and of succeeding sessions of the Estates.

CHAPTER III.

Military History of the Revolution—Siege of the Castle of Edinburgh—The Highland Campaign—Dundee—His Character—His original Genius, and the Sources of his Influence—Leads the Highlanders, though a stranger to them, against Mackay, one of themselves—Account of the Marches and Counter-marches in the Highlands—Inverness and Elgin—The Seizure of Blair Castle—The Advance of Mackay to the Pass of Killiecrankie—The Descent of Dundee from Atholl—The Battle, and the Causes of Mackay's Defeat—Dundee's Death—Effect of the News in Edinburgh.

At the point of time when this history commences, the vast sweep of revolutionary events had for a time paralysed those who were so devoted to the principle of legitimacy, as still to hold by the exiled king. Whatever danger might be felt, there was no show of actually embodied force, save in the resistance of the Castle of Edinburgh. This was, it is true, a formidable item, from its traditionary character of strength, and its command of the metropolis. But it was presently expected to yield; and the elements of resistance, however intrinsically formidable, were so scattered and incongruous, that but for one man of ardent genius, it is unlikely that they would ever have been brought into combination. The war in the Highlands, personally conducted by Dundee, is the truly important portion of the military history of the Revolution; but, to admit it to be told in continuity, it may be well to commence with the less incidental siege of Edinburgh Castle.

The garrison consisted of only 120 men. Their effectiveness was from the commencement weakened by religious disputes. An intoxicated Irish catholic had stabbed

one of the protestant soldiers, and a rumour spread among his brethren, that this was the commencement of a massacre. There were daily desertions, and before the end of the short siege, the number of effective men scarcely exceeded forty. There were no trained artillerymen, and the guns were served by ordinary soldiers. Nor was there any high commanding mind to infuse a spirit into the small, feeble garrison. They did little more than close their gates, the natural strength of the place doing all the rest. Before a regular besieging force, even in that day, the fortress must have fallen at once; and, what made the siege of Edinburgh Castle a protracted affair, was, that the feebleness of the garrison was balanced by the incapacity of the besiegers. On the 2d of March, a deputation went from the Convention to require the surrender of the Castle, on an indemnity to the governor and the garrison. The duke offered to yield, if the indemnity were made general to his friends; and when he was asked whom he included in this expression, he mentioned all the clans of the Highlands—a claim which the deputation treated as contemptuous, and made with the view of breaking up the negotiation.* Two heralds, with pursuivants and trumpeters, were next dispatched, in all their pomp, to summon the garrison to surrender, under pain of treason. When they had performed their function, the governor had an amicable conversation with them; gave them money "to drink the king's health;" and, in allusion to their tabards, told them, that before they came with the king's coat to summon one of his castles to surrender to his enemy, they should have taken the precaution of turning the coat. On the 18th, a regular

* See a small quarto volume, called "Siege of the Castle of Edinburgh," printed for the Bannatyne Club in 1817. It is the composition of a zealous Jacobite, who seems to have been in the garrison—probably as chaplain. It details the daily proceedings in this paltry affair, almost as minutely as Drinkwater narrates the siege of Gibraltar.

investment was made by the Cameronians. Had the affair been one of open combat, these formidable enthusiasts would have settled it at once; but, resolute and skilful as they were in battle or defence, they were utterly ignorant of the storming of fortified places; and, though seven thousand in number, the great rock proved an impassable protection to the trifling garrison. They ran lines of circumvallation, and took up some points of attack, such as the tower of the West Church, and the West Port of the city. It was observed by the cavaliers, that had the governor not been merciful, he might have destroyed all the men at their rude, clumsy works; but it must be remembered that he had very little amunition. In reality, however, it was not the object of the besieged to enrage their opponents. They desired merely to hold out until the greater conflicts of parties should decide the question who ruled in Scotland, and then take advantage of, or yield to, circumstances. It is supposed, and is very likely, that Dundee recommended stern measures, for the purpose of operating on the Convention; but there were no trained soldiers, or men in responsible positions, prepared, like him, for desperate extremes; and the duke conducted the defence with signal consideration and humanity.* The possession of this renowned fortification seems to have been, in the mean time, deemed momentous by the friends of the Jacobite

* Still it was impossible to avoid casualties to the citizens. In a paper published in London, called, "An Account from Scotland, of the proceedings against the Duke of Gordon in the Castle of Edinburgh" (7th June 1689) it is stated, that at one time much small shot or grape was fired on the town, "which only killed one woman, two men, two horses, and a dog." In the privy council records, a certain John Barclay is found applying for indemnity for the losses suffered by him from the siege. He includes "the servant woman shot through the thigh, and likewise a man servant through the shoulder." The garrison held a sort of telegraphic communication with their friends in the city, by signs exchanged with a Mrs Anne Smith, a granddaughter of Dr Aitken, Bishop of Galloway, whose window was conveniently placed for such a purpose.

cause at a distance; and, among other inspiriting messages, one came from Tyrconnel in Ireland, promising to relieve the castle with 20,000 men, if it could be held for six weeks.

On the 19th of March, a few horsemen were seen galloping up the castle bank. Gordon recognised in their leader the impetuous movements of his ally Dundee, and, stepping to the sally-port towards the north-west, held a brief conference with him. He is believed to have influenced Gordon to hold out for three weeks, saying that he would then be at the head of a Highland army. It is to the influence inspired by his sanguine and commanding spirit in this short conference, that we must attribute the continued defence of the castle.

The siege became a mere blockade, which must in the end prove successful, by starving out the garrison. An occasional shell came from either side, but few of them were destructive. One attracted special commemoration from the historian of the siege, by staving the cask which contained the garrison ale, so that on the 29th of May, in commemoration of the Restoration, they "cheerfully drank a health to the king, queen, and prince of Wales in a mortifying liquor." Mackay had arrived on the 27th of March, and yet the continental veteran does not seem to have attempted any measures for the immediate reduction of the castle, save that he commenced a series of approaches with wool packs, which he appears to have abandoned as a useless labour, in the expectation of a speedy surrender. The capitulation was not, however, completed until the 14th of June. The garrison obtained favourable articles, receiving an indemnity for themselves and those who had aided them, and retiring with their arms and baggage. The duke, in a chivalrous spirit, declined to ask terms for himself, saying, he "had so much respect for all the princes of King James the VIth's line,

as not to make conditions with any of them for his own particular interest." *

Before the end of the siege a war of peculiar and strangely incidental character had been for some time kept alive in the north by the active energy of one of the most original men of his day. The actual career of Dundee, without decoration, is an affluent fountain of romance. His handsomeness, his early historical career, his name associating him with the great Marquis of Montrose, his military capacity so great within its little sphere, the sad sympathy offered to those who throw their lot into a desperate cause, and the heroic glory of his death—all together make a true history of brighter colours than many a romance. Solid truth could not go about with so many of the attributes of heroic fiction, without being insensibly mingled with that social circle, and enjoying some of its decorations. Many of the attributes of this hero-fiend are fabulous; but his era was so much later than that of the semi-mythic heroes with whom he is often associated, that we know a few vulgar truths about him, affording a correction of the fictitious glories.

Tradition attributes to him many brilliantly epigrammatic speeches, to which his authentic writings give the lie, by showing that he had not sufficient command of grammar to have put his thoughts in the clear emphatic shape in which they are preserved, if he had ever formed them in his mind. It is said that he studied at St Andrews, and knew something of mathematics; but any smattering of education he may have received was early rubbed out in the camp of the mercenary soldier. He was a younger son of a Scottish laird, and, according to a common usage in a country which could not exercise its energies near at hand without arousing the trading jealousies of its affluent and

* Siege of the Castle, &c., p. 76.

powerful neighbour, he was sent to serve abroad. He fought in the French service and in the Dutch; probably both were much alike to him, until he rose high enough to see schemes of personal ambition over the shoulders of his comrades. These lairds' sons, from their habits of command, their hardy nurture, and the consciousness that, poor as they might be, they were still gentlemen, made valuable officers in the great European wars of the latter part of the 17th century. The last service in which young Graham was engaged before he returned to Britain, was that of the Prince of Orange, and he is said to have left it because he was refused the command of a regiment. He was a man of much more farseeing ambition than the generality of his order. He felt within himself capacities of a higher stamp and aspirations also; for though he belonged to the herd of mercenaries, his ambition, with all his defects, was of a higher order than that of the Dugald Dalgeties who contented themselves with the consciousness that they had much better pay, booty, liquor, and arms, than the pike-trailers under their command. He became a fanatic of the order he found himself in,—the order of the cavalier who is devoted to his monarch and his monarch's allies, aristocratic and hierarchical. His fanaticism was that of the gentleman. It is not common perhaps to associate the reproachful term "fanatic" with a word so expressive of estimable social qualities as this word "gentleman;" but as there is no hesitation in applying it to religious opinions carried to excess, surely there can be no desecration in applying it to social qualities when they become offensively prurient.

Graham's abilities evidently did not step beyond warfare. We have no means of deciding whether they were capacious enough for great military operations, but all can see that he executed the small affairs falling to his lot with consummate skill. He might have been, for all

we know, a poor organiser of such campaigns as Marlborough's, and incapable of the anxious calculations in which the governor of one of the great Vaubian fortresses had daily to work. One thing is certain, that his utter disregard of human life—his cruelty to his enemies, and his recklessness of the safety of his followers, would have prevented him from being a great British general, however largely he might have operated in the service of countries where there is less responsibility, and human life is of no account beside the military object to be attained.* But, however he may have borne comparison with the great leaders of European warfare, he had a genius for small partisan operations which laughed to scorn the drudges brought up in their pedantic school. When he saw them in isolated independent contests with enemies of a new kind,—on unusual ground, and where both sides might be subject to influences totally different from those of the mercenary continental campaigner, still following the clock-work routine which long service had mechanically trained them to,—he was too much of an original thinker to follow them. Whatever respect he might have had for the rules of accepted military discipline in armies where they were known and used, it was his merit that he rejected them when they were useless or offensive, and at once adapted his method of warfare to the men he had to lead. It is impossible to look at the portrait of the lively, haughty, impetuous, handsome cavalier, beside that of his opponent, old Mackay of Scourie, without being reminded of the venerable pedantic authority so excellent in its accustomed place, and in the pursuit of its daily routine, but so liable to be overwhelmed in ruin when, in the moment of excitement and emergency, it meets

* There was just one great British leader, Cromwell, who with a peculiar class of enemies was resolutely exterminating; but he was extremely careful of his own men.

with originality of conception and fierce reckless determination of purpose.

But while he avoided the pedantry of an impracticable system of discipline, he was a vigilant general in studying the character of his troops, and knowing the elements both of their strength and of their weakness. For this end he indulged in a practice capable only of being turned to account in the hands of gifted commanders, and which was a peculiarity of Napoleon. He visited his posts at unexpected hours alone, and without the distinctions of rank. One of the inveterate peculiarities of his Highland army was the marauding propensity which, like every other habit of the men, took its course without reference to suitable conditions in the exigencies of the service, and he dealt with it as a necessary evil.*

To the regular trained officer, such an army as he commanded was as unstable and capricious as a giddy mob. If he did not study the peculiarities of the race, and of each individual clan, some untoward accident was ever occurring to vex his disciplinarian spirit, and make him suspect that the cause was ruined; and if he did not at once recognise and yield to the peculiarities as they occurred, a trifle might readily sacrifice the army or the cause,—for the Highland soldiers' immediate cause was his leader and his clan. The succession to the crown of Britain, or the preservation of the constitution, were distant and secondary objects, to be sacrificed without hesitation to any question of precedency or etiquette. Even Dundee was but partially prepared for the intricate niceties of such a command, and fell into it gradu-

* Lochiel mentions that in one of his mysterious rounds he met a couple of Highlanders returning to their post, each with a sheep on his back. He stopped them and rated them with his usual fierce energy; but the Highlanders were unaccustomed to be lectured against marauding, and one of them, throwing his sheep from his back, was bringing his gun to his shoulder to shoot the impertinent reprover, when he was stopped by the other, who recognised the general.—*Lochiel's Memoirs*, p. 277.

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ally, under the guidance of his own sagacious observation, helped by the advice of old experienced leaders.

The old chief Lochiel tells us that when the small army waited for reinforcements from the clans, Dundee proposed that the interval should be employed in disciplining the men. The younger chiefs seemed to like the proposal, but the veteran raised his voice against it as fraught with danger. The Highlanders, he said, were already disciplined for their own impetuous way of fighting, by discharging the fire-lock in the enemy's face, and then falling on him with the broadsword. They must be left to do this in their usual way, and under their usual leaders. An attempt to exercise them in companies would only do them harm. The introduction of the slightest unaccustomed movement might confuse them in following their own course; and for the new movements themselves, they would not be more apt in them than raw recruits. And he concluded with the potent argument, that "when they come to be disciplined in the modern way, and mixed with regular troops under stranger officers, they are not one straw better than their neighbours."*

* "Memoirs of Lochiel," p. 251. This veteran chief, who died of fever in the year 1719, in the ninetieth year of his age, was a good specimen of the Highland warrior and clan statesman. "He was," says his biographer, "of the largest size, his countenance fresh and smooth, and he had a certain air of greatness about him which struck the beholders with awe and respect." He went to court in King James's reign, and was there received much as an Affghan or Zoolu chief would be at the present day. The last of the Stewart kings is reputed to have been a man of one joke, but, according to Lochiel, his majesty did him the honour to be particularly jocular about himself and his pursuits, representing him to the courtiers as a renowned thief, and recommending them to be careful of their horses and silver plate while he remained near them. This appeared to be infinitely gratifying to him, and the biographer exultingly records that when the king met him "he had always the goodness to inquire about his health, and now and then to put some jocose question to him, such as, if he was contriving to steal any of the fine mares he had seen in his majesty's stables, or in those of his courtiers."—*Memoirs*, p. 220. The very curious memoir of Lochiel, supposed to have been written by a certain John Drummond, was edited for the Abbotsford Club by James Macknight, W.S.

Of the extreme caution required to avoid irritating the pride or disturbing the etiquette of these capricious barbarians, one or two warning instances occurred in the wandering campaign to be presently described. The Camerons had a quarrel with the Grants, who had seized some of their men and hanged them, for reasons which, however satisfactory to the one party, were of course not so to the other. The Camerons took the opportunity of being embodied in arms, to march to the Grant country to take vengeance. The Grants were in the revolution interest, and the attack was legitimately agreeable to the conditions on which the Camerons were in arms. But there happened to be a member of the Macdonalds, a clan in alliance with the Camerons, among these Grants, who told the Camerons that he considered his presence among them entitled the Grants to be spared. The Camerons maintained, on the other hand, that the presence of Macdonald in the camp of the Grants, made him an enemy. In the skirmish which ensued, the Camerons were successful, carrying off a satisfactory booty, and the Macdonald was killed. His chief sped in hot wrath to Dundee, demanding satisfaction, by the signal punishment of the clan Cameron. Dundee was puzzled, tried to laugh off the affair, but found it too serious to be so disposed of; for the Macdonald threatened vengeance with his own hand if he did not obtain satisfaction through his general.* Dundee's skill as a commander was shown on the occasion by his receiving the angry chiefs at dinner, and accomplishing a reconciliation over the goblet.

But, apart from his mere merit as a commander, in effectively working with the machinery in his hands, Dundee's plan of aiding the cause by employing the High-

* Dundee said, "If such an accident is a just ground for raising disturbance in our small army, we shall not dare to engage the king's enemies, lest there may chance to be some of your name and following among them who may happen to be killed."—*Lochiel's Memoirs*, p. 254-5.

land clans with a few Irish auxiliaries, showed true sagacity in the discovery of the nearest available tools. A military formalist would no more have relied on such resources, than he would at the present day bring a Caffre or Sepoy force into a European contest. It was known, of course, that the Highlanders were effective brawlers and assassins in their clan conflicts, and that they were the terror of their peaceful farming neighbours in the Lowlands; but one brought up in the school of military discipline formed under Louis the Fourteenth's generals, and initiated in arms by the Prince of Orange, would be taught to despise them, and could only resort to them as an effective force from a sagacious knowledge travelling beyond established military prudery, and a self-reliance capable of dispensing with it.

It must be remembered that, personally, Graham was an entire stranger to them. Even if he had not spent so much of his life in foreign service, he was at home a Scottish Lowland gentleman, living at a considerable distance from the Highland line, and among a people by whom the mountaineers were little loved. It is not likely that Dundee knew their language; for he was not very well instructed even in his own. It has been said, on purely traditional grounds, that he was versed in Celtic lore, and anticipated Napoleon in an admiration of Ossian's poems; but if the Celtic originals of Macpherson's epics had been in the mouths of the Highlanders, it is not likely that the military leader would have wasted his time either on the language or its literature. No such exertion was necessary to secure the military enthusiasm of this peculiar people; for it is remarkable, that though always ranking themselves immediately under their own chiefs, their greatest achievements have been performed under leaders who were not born and brought up among them. Like the Sepoys in our Indian dominions, following such generals as Clive, they seem to have offered the

homage of implicit and awe-stricken obedience to the capacities of the accomplished military stranger, who came among them ignorant of their language and their ways, but possessed of a mysterious, and as it were superhuman, capacity of organising their scattered efforts, and directing them to great results. It is a little matter worthy of note, that Mackay was a Highlander by birth and descent, and that he came from the family who ruled over the mountainous wilds of Western Ross; while the leader of the Celtic bands who defeated him, was born and reared in the flat pastures of Angus.

The events which, during the subsequent sixty years, occurred in Scotland, showed that Dundee was right when he thought the clans afforded an available force for the support of a cause which the estimaters of ordinary political influences would pronounce desperate. He found in them a class who had objects and interests hostile to the inhabitants of the low country—living by industry, and comparatively in peace; and he so successfully took advantage of their position, that he seemed to have implanted in the opinions of the Highlanders the sympathies and prejudices which led them to sacrifice so much for that house of Stewart which had oppressed and enslaved their ancestors. Though it required a peculiar sagacity to see in such elements a power capable of being worked for the exiled house, yet when examined by the aid of subsequent experience, the cause is as simple as many other seeming mysteries. Though the Stewart kings carried on a war of extermination with the Highlanders, the descendants of the victims became their most loyal supporters, just because the change of position, from the throne to exile, inverted the relation of the two parties. Whoever desired, with the sword, to disturb or overturn a fixed government, was sure of the aid of the chiefs, because a settled government was ruinous to their power, and almost inimical to their existence. The more it cul-

tivated the arts of peace, and throve on industrially created well-being, the more did it drive into an antagonist position a people who did not change their nature, who made no industrial progress, and who lived by the swords which acquired for them the fruit of other men's industry. With their interests, a peaceful, strong government was as inconsistent as a well-guarded sheepfold with the interest of wolves—the name by which, in the old exterminating edicts of the kings of Scotland, they were often called. If the chiefs had got their choice, they would rather have had back the old ferocity of the Stewarts, hunting them with fire and sword, but destitute of steady, orderly strength, than a firm government, keeping their predatory propensities in restraint. They remembered how sternly they had been repressed by that great, strong government of Cromwell, to which the Revolution settlement bore a suspicious resemblance. On the other hand, the government just displaced had employed them to take vengeance on the western shires, and by its enmity to a large portion of the low country, gave encouragement to the denizens of the mountains.

The chiefs had much at stake in the issue of events. Several of them were gainers by the forfeiture of the Argyle family, and of other sufferers in the preceding reigns; and it was likely that these recent acquisitions would be withdrawn from their holders, if the Revolution settlement held good. They were by religion Roman Catholic or Episcopalian, and they readily predicted some more severe retribution from triumphant Presbyterianism than the government of William permitted to be enforced.

On views of abstract political opinion, it would be alike to them whether the constitutional principle of the Revolution or the divine principle of legitimacy triumphed; but they had many more stakes in the one than in the other. A unity and concentration was given to

these leading influences from the small number on whom it was necessary that they should bear, to direct the whole people. The clansman's loyalty was to his chief, and it is an undoubted mistake to suppose that the commoners, as they were termed, had any choice or care in which army the chief raised his banner. Perhaps some of them might have savoury recollections of the magnificent raid which the Highland host had made on the goods of the Covenanters, under the auspices of the late government, and might have greater readiness to follow the cause which led them to Lowland plunder than that which stayed their hands by allying them with these Lowlanders. But such partialities must bend to allegiance. The men of Argyle were as true to the cause of the Revolution as any of their opponents to that of the Stewarts. Where there has been vacillation or apostasy, it has proceeded from the conduct of the chiefs; and an appearance of dubious or divided allegiance in the clan, has often proceeded from family divisions or from efforts by the head of the legitimate leaders to seem to serve both parties. In the conduct of the Atholl Highlanders, as we shall presently find, some historians have seen what they consider the innate loyalty of the Highlanders. But it is very evident that the conduct of the clansmen had its impulse from those above them; and the statesmen of the day, in their correspondence, do not hesitate to assert that the family played a treacherous part.*

Dundee, after he left the Convention, was ostensibly living as a private gentleman at his mansion of Dudhope. This character was, however, belied in many shapes. He had quartered around him, or living in his house, some choice followers—the same who had ridden off with him from Edinburgh—and, far more momentous, he was busily corresponding with the Highland chiefs. He sent

* See many allusions to this in the "Melville Correspondence," p. 209, *et seq.*

an express to Cameron of Lochiel, who, using his influence with his neighbours, secured a force of 800 men, apparently before any attempt was made to disturb Dundee in his retirement. According to the account of his friend Lochiel, he met Drummond of Bahaldy at Dunblane, who reported to him the condition of the clans, and "confirmed him in his design" to embody them.* On the 18th of March the Convention cited him, according to ancient practice, to appear in his place in Parliament,—a command which he disregarded; and a few days afterwards a herald was sent to require him to disarm, under the pain of being denounced a traitor, and so dealt with. On the 27th he wrote to the Duke of Hamilton, from Dudhope, a short indignantly-expressed letter.† Was it, he said, fitting, that when a man was living in peace in his own house, he should be summoned by a herald and trumpeter to lay down arms. There were others who had far more formidable bodies of men in arms at their command, who were not impugned, and whose hostile position and dangerous intentions made it unsafe for him to obey the order to appear; and because when he left the Convention others followed him, and some had done him the favour still to accompany him, must that be called being in arms? He concluded with a more softening appeal: "If there be anybody that, notwithstanding of all that is said, think I ought to appear, I beg the favour of a delay till my wife is brought to bed; and in the meantime I will either give security or parole not to disturb the peace."‡

* Memoirs, p. 235.

† This letter is transferred to the correspondence of Dundee, printed by the Bannatyne Club, from a copy annexed to a pamphlet called "The Case of the present afflicted Clergy in Scotland." It seems in its general tenor to be genuine; but those who read Dundee's letters in their literatim shape, will see that it has been modelled by the pamphleteer.

‡ Lady Dundee shortly afterwards gave birth to a son, who died in early infancy, surviving his father only a few months. A singularly eventful

As formidable rumours were now heard about the organisation of the Highlanders, a force was sent northward to seize him and his friend Balcarras. This secondary object was accomplished, but the vigilant Dundee successfully evaded a carefully arranged plan to surprise him in a small remote house to which he had retired in Glen Ogilvie.

He went northwards by Atholl and the wilds of Rannoch, to meet his Highland supporters. Mackay, who, from his name and race, might be expected to have had more influence among the chiefs, attempted to induce some of them to intercept his movements, but those who did not deceive the worthy general, appear to have neglected his instructions; and in the spirit of the military school in which he was trained, and the foreign governments under

history is attributed to the widow. She married the Lord Kilsyth, who was forfeited for the rebellion of 1715. Two years after this event it appears that, with her young son, she was killed by the fall of a house in Holland. The body of the mother and son were embalmed in liquid antiseptics, and laid together in a vault of the church of Kilsyth. In 1795 this coffin was opened, when, according to the clergyman of the parish, those present, "to their utmost astonishment, found the body of Lady Kilsyth and her child as entire as the hour they were entombed." "Every feature," he continues, "every limb, is as full, nay the very shroud is as clear and fresh, and the ribbons as bright, as the very day they were lodged in the tomb. What renders the scene truly interesting as well as striking, is, that the body of her son and only child, the natural heir of the titles and estate of Kilsyth, lies at her knee. His features are as composed as if he were only asleep. His colour is as fresh, and his flesh as full, as if in the perfect glow of health. He seems to have been an infant of the age of three months. The body of Lady Kilsyth is equally well preserved; and it would not be easy for a stranger to distinguish with his eye whether she is dead or alive. For with the elegant style in which she is dressed, the vivid colour of the ribbons, the freshness of her looks, and the fulness of her features, she arrests the attention and interests the heart."—*Old Statistical Account of Scotland*, xviii. 301. A passage in Cunningham's "History" (i. 124) is in favour of the singular story, but dates throw some improbabilities in its way. The lady, a daughter of Lord Cochrane, was married to Dundee in 1684, and is supposed to be killed, along with an infant son, thirty-three years afterwards. Lord Kilsyth had a second wife, a daughter of Mr Macdougall of Mackerston, by whom he had one child, a daughter ("Douglas Peerage," p. 38); so that if the clergyman is right in saying that the child in the Kilsyth vault was a boy, the mother, so singularly well preserved, was doubtless the widow of Dundee.

which he had served thirty years, he thought it a defect in the state of affairs that they should not be under military responsibility for neglect of orders. Dundee's motions were influenced by a mercurial rapidity, which makes attempts to trace them often unsatisfactory. He returned home for a brief space, to find there the crisis which has its strongest claims on a husband's anxious care; but if he was liable to domestic anxieties, the other cares he had taken upon him had more urgent exigencies for his active exertion, and he had no time to indulge in home satisfactions.

Mackay proceeded northwards to crush, if possible, this seed of insurrection against the revolutionary government before it received the expected increase from the Highland and Irish reinforcements. He left, under Livingston, a considerable garrison at Dundee, where, judging that the fate of the country must be decided north of the Tay, he appointed his head-quarters and general gathering centre. Thence he started with about 450 men, chiefly dragoons, and endeavoured to track his fleet opponent. Graham, who had full information of his motions, suddenly, when within a few miles of his pursuer, swept far beyond him by obscure paths, while Mackay took the usual central road by Brechin and the pass of the Grampians called the Cairn O'Mont. Having reached Brechin he lost all traces of his adversary, and his own memoirs, in their hazy composition, seem to impress the reader with an accurate transcript of his perplexities in conducting a pursuit without the faintest trace of the fugitive's direction. He was deceived with a false intimation that he would find Graham at the village of Fettercairn, and sent on a detachment to seize that village as he advanced with his main body from Brechin. He had now to cross the Cairn O'Mont by a winding mountain pathway. Here he experienced the first symptom of the incapacity of his troops for the kind of war-

fare in which he was embarked, for he complained that of his English horse only forty were capable of passing the hill, and he was obliged to leave eighty at Brechin, "all sore backed and in disorder," in charge of his nephew. When Mackay reached Kincardine, on the Dee, he learned that his adversary had crossed the river at Braemar, thirty miles higher up among the mountains. With his more active motions, he was thus describing a circle round his sluggish pursuer, and he proceeded across the wild stretch of mountain land which separates the Dee from the Don, went some miles down the strath of that river, and again crossing the mountain boundary, descended into the basin of the Spey.*

When Mackay reached the Dee, he was met by the Master of Forbes at the head of forty horsemen, and with about five or six hundred northern peasantry from the agricultural lowlands of Aberdeenshire. A force, however, of men from the spade and plough would not suit the military fastidiousness of the formal general. He thought they "were so ill armed, and appeared so little like the work," that he would not take the responsibility of embodying them; but desired that they might keep themselves ready for the protection of their own country, should it be attacked. He had trusted for more efficient aid from the laird of Grant, whom he had instructed to guard all the fords of the Spey, and prevent Dundee from reaching his Highland friends on the other side. The laird of Grant, however, though he had given in his professed adherence to the Revolution settlement, probably waited the turn of events to decide his course of action, and in the meantime remained at Edinburgh. Thus, when he reached Strathbogie, Mackay learned that his fleet enemy was beyond the Spey, and advancing on Inverness. When Dundee reached the Highland

* Mackay's Memoirs, p. 12, *et seq.*

capital he found a characteristic scene. Keppoch had arrived there to join him with nine hundred men, and the incorrigible marauder finding himself at the place of meeting before his commander, and under no superior control, had invested the town with a view to its pillage, and was only kept at bay by the arming of the citizens, too well accustomed to visitors of his character. When Dundee censured this unmilitary conduct, the wily old freebooter said he was but taking his own, for the inhabitants were owing him moneys, which he had no other means of recovering.* It was Dundee's interest not to scrutinise too severely the motives and conduct of a force which joined him so opportunely; but he insisted on the freebooter naming a certain sum as the amount of his claim, and it was collected and paid over to him by a subscription among the inhabitants.†

* Lochiel's Memoirs, 237.

† That it was not justly due is shown, not only by the records of the corporation of Inverness, but by those of the Privy Council. On the 13th of September, the attention of the Privy Council was called to the pecuniary sufferings of Inverness in the war. Besides "the thousand dollars of ransom that it stood the petitioners to redeem the town of Inverness from being burnt by the M'Donalds and barbarous Highlanders," they had spent considerable sums on wrights, smiths, and other workmen, for fortifying the town at the general's orders. They stated their debt at L.5000 Scots, and complained that though they were to have a preferable claim for it on the first realised taxes, they had been disappointed by nimbler claimants—a common case in Scotland at that time. They ask, and are allowed, permission to retain the amount out of future taxes due by their corporation. Still, they seem to have failed in refunding themselves, or to have desired that the burden should fall on the proper quarter; for, on 7th June 1695, we find a petition presented to Parliament by the burgh of Inverness to cite M'Donald of Keppoch "to refund the sum of four thousand merks, extorted from them in a hostile manner." We hear nothing of the conclusion of the application. Some of Dundee's eulogisers give him unmerited praise for having advanced the money to appease Keppoch, from his own resources. A witness in the process of attainder against Dundee's representatives, says that the remarkable skill which Keppoch acquired from his usual pursuits in the discovery of stray cattle, procured him a *nom de caresse* from Dundee, who called him "Colonel of the Cows," because he found them when they were driven to the hills out of the way.—*Depositions in Process of Attainder. Evidence of Licutenant Colt.*

As Mackay approached the venerable quiet cathedral town of Elgin, he learned that the inhabitants were threatened by an invasion from the pillagers of Inverness, and they implored the presence of the revolution general to save their houses from being sacked by the Highlanders. The alarming news received a ready sympathy in the general himself, who, with not quite four hundred men, tired with hard marches, found himself threatened by an overwhelming force. It was his interest immediately to throw himself into Elgin, where the towers of the cathedral and the bishop's palace would afford him a fortification of considerable strength against any ordinary force of that time, and especially a Highland force. The urgency of his position stimulated the rapidity of his troops, and the foot keeping up with the horse at a trot for several miles, he entered the city of refuge and brought up his stragglers in time enough to make the post effective. Thus established, he was in a position to communicate with the northern gentry and the chiefs favourable to his cause. He complains that he found them very lukewarm, and with few exceptions unendowed with "a true sense of the deliverance which God had sent them." * Besides the amount of political coldness or enmity with which he had to deal, there was a very substantial cause of reluctance in the imminent risk, approaching in some instances to certainty, that those who joined the revolution army left their lands to be pillaged by the Jacobite Highlanders. He obtained, however, between four and five hundred men, including those of the laird of Grant, who now joined him, and the two small armies gathering by degrees, might be considered, for a time, on a numerical equality.

For reasons of his own, however, Dundee was not inclined to action; and, instead of remaining at Inver-

* Mackay's Memoirs, p. 16.

ness, he retired into the wilds of Lochaber, where the promised detachments from the clans joined him day by day. Perhaps he considered this the best mode of obtaining an effective force, and he may have been restrained from provoking a systematic battle by the consideration that he had not yet received his exiled master's authority to act as commander of his forces in Scotland.*

When Dundee abandoned Inverness, it was occupied by Mackay, who considered it preferable in strength to Elgin. Not relying entirely on the castle or citadel on the hill, he palisaded the ends of the streets and made the town a roughly fortified camp. Here he found three hundred of the citizens armed for the government, and, by their encounters with the neighbouring freebooters, in condition to form effective recruits.

The precise dates of these transactions are not ascertainable, but they must have occurred about the beginning of May, for we find Dundee moving southward through Atholl so early in that month, that on the 11th he pounced with his horse, amounting to about eighty, on the city of Perth, where he seized a party commanded by the lairds of Blair and Pollock.† The prisoners were dragged about with the restless little army for some time, and were afterwards sent for safety to the Isle of Mull, deemed secure by the possession of the strong castle of Dowart.‡ Dundee then hovered over the neighbour-

* His commission as Lieutenant-General does not seem to have reached him till June.

† This date, and some other minute particulars, are ascertainable from the "Depositions of witnesses in the Process of Forfeiture against the representatives of the late Viscount Dundee."—*Act. Parl.* IX., App.

‡ Dundee, who was still acting on his own responsibility, while the Revolutionist troops were acting under the authority of the Convention, when asked on what authority he seized these lairds, made the characteristic answer: "You take prisoners for the Prince of Orange, and we take prisoners for King James, and there's an end of it."—*Deposition of Lieutenant Colt in the Process of Attainder.*

It has been said, on traditional authority, that when the traitor dragoons in Mackay's force were apprehended, Dundee threatened that if they were

ing seaport town from which he derived his own title, but he found it too well protected to court an attempt at a surprise. Garrisoned as it was indeed, Livingston, who commanded there, should have punished him for approaching the town. Having augmented his small cavalry force in Perth and Angus, he proceeded by one of his usual rapid movements back through the passes to rejoin his Highlanders.

In the meantime, Mackay, from his convenient station at Inverness, was pursuing his design to secure some of the influential northern clans. His efforts were almost in vain, except on his own clan, from which he drew two or three hundred men. He came to the conclusion that a little money distributed among the hostile or lukewarm chiefs would be of essential service. He had been informed that many of them feared more than aught else the resumption of estates and rights that had been forfeited from the house of Argyle and distributed among them. He believed that a sum comparatively so paltry as five thousand pounds would be sufficient to purchase all these claims, and states that such a sum was actually placed in the hands of Campbell of Calder for this purpose; but worthy Mackay, when he believed that this prescription was producing its healing influence, was awakened to a consciousness that the chiefs were laughing at him, by the wary old Lochiel, with whom he chiefly corresponded, recommending to him the example of Monk, who employed the army he commanded in restoring the true king.

In the hope that the skeletons of his three Dutch

punished, he would cut up his two captives, joint by joint, and send the fragments to the Privy Council. On the 3d September, the Privy Council appoint a certain John M'Lean to go to Mull with provisions and other things, sent by their friends, to the two lairds, and to treat for their ransom. This not apparently being an effectual arrangement, we find, on the 17th, Campbell of Calder appointed with full powers to negotiate for their release.

regiments were becoming filled, he had sent to Colonel Balfour, the officer left in command of them, to despatch Colonel Ramsay with a force of 600 through Atholl to Badenoch, where he proposed to meet them. Had these troops departed at the intended time they would have met Dundee on his brief expedition southward. A fleet of Dutch herring vessels, however, which entered the Forth, being set down by the frightened citizens of Edinburgh as a French fleet, Ramsay remained until the alarm, which seems to have lingered for some days, faded away. When he passed through the Atholl country he found symptoms of disaffection, and received so formidable an account of the force which he was told he must fight his way through to reach Badenoch, that he retired to Perth. He had, however, sent a despatch to Mackay, intimating that he was on his way to the place of meeting, and the zealous general started to join him on a Sunday morning, taking with him a force of six hundred men, of whom 240 were horse and dragoons, leaving the remainder of his force, chiefly new recruits, to defend Inverness. When he had gone half way to the meeting place at Badenoch, he received intimation from the governor of Ruthven Castle, that Dundee, who, by intercepted despatches, knew Ramsay's motions, had posted himself in full strength to pounce on him as he approached. It was evidently the design of the Jacobite general to destroy his enemies in detail before their junction. Ramsay had evaded the danger by falling back, for which he is somewhat unreasonably blamed by Mackay, who felt himself in great peril close to a force which, he says, exceeded 2000, and gradually increased to 3000 men. He turned eastward to the friendly country of the Grants in Strathspey. Here, with more judgment than he showed on other occasions, he took up his position on one of the wide haughs or alluvial flats formed by the windings of the river, judging that the High-

landers stood in awe of cavalry on flat ground. He sent orders for bringing up the two troops which had been left with Colonel Livingston at Dundee, and for the march of small detachments left at Coupar of Angus and Forfar. Two days after they had joined him, however, an incident occurred which made him doubt if they had improved his position. Two men from the enemy's army were seen very confidently approaching the camp. On being seized and questioned, they professed to be deserters; but their good faith was the more questioned, as one of them had shown his preference for Dundee's service by abandoning that of the Revolution army. These men stated that they were in communication with the lairds of Blair and Pollock, taken prisoner at Perth; and that, at their instigation, they had come to warn the general of treachery in his camp. They said that his main strength, the cavalry, was corrupted, and that nearly all the officers were in secret communication with Dundee. Such a charge was only too probable. Dundee was a cavalry officer—an idol among his followers; and the sleepy service in which they were now engaged seemed insipid beside his brilliant operations. Other incidents confirmed the suspicion so created. The brother of Forbes of Culloden being appointed to hold Ruthven Castle, was obliged, by scarcity, to surrender to Dundee, stipulating for the garrison's freedom. When he had passed a couple of miles beyond Dundee's camp, he met two horsemen from Mackay's, who professed to be on a mission of inspection, but whose extreme confidence, close to the enemy's lines, showed that they felt no danger in discovery. The person who brought this information had noticed that, in Dundee's camp, the horses were saddled and ready; and speedily the scouts brought notice that he was on the march towards Mackay's station, about ten or twelve miles distant.

The disheartening intelligence Mackay had just received

of the condition of his troops, suggested a retreat as the prudent course. The dragoons had been placed in the van and rear; and he so managed as to keep those whom he most suspected in the former position, whence a junction with the enemy was the least practicable, and the more trusty in the position which, in a retreat, is the post of honour. The Dutch infantry, who had no inducements to draw them from under his command, marched immediately behind the suspected dragoons. He dismissed the Highlanders levied from the Grant country, who would have enough on hand in endeavouring to keep their property from Dundee's marauders, and probably would not have abandoned their homes if they had been commanded. The enemy were within three miles of him when he began a silent night retreat. Instead of keeping the bank of the river, or taking the direction of Inverness, he turned to the north-east, where, after crossing two ranges of mountains, he might reach the plains of Aberdeenshire. He halted at Balveny, a castled mansion of considerable strength, on the small unknown river Fiddoch in Banffshire, and there received the comfortable intelligence, that his enemy was still in the valley of the Spey, while he welcomed a small reinforcement from a coadjutor, Gordon of Edinglassie.

There was negligence or treachery, however, in the conduct of his scouts, for Dundee had moved rapidly round by Glenlivet and Strathdon to intercept him, and in the evening, after the starving troops had secured some meal, a retreat was ordered ere they had time to prepare their food; for the enemy, coming within two miles, threatened to intercept them in their retreat southwards. Mackay took great credit, and not quite undeservedly, for the effective rapidity of his motions, which not only saved his being severed, by an overwhelming force, from the feeders of his little army in the south,

but brought him immediately up to reinforcements sent to join him under Barclay and Leslie.*

The affair now suddenly changed its aspect. Mackay's force was greatly strengthened—that of Dundee had, in spite of all his vigilance, become weakened by the dispersal of plundering stragglers, for the Highlanders were in a Lowland agricultural country, whence it was contrary to their principles to depart empty-handed. Quartered, with a force thus greatly reduced, in the grounds round the mansion of Edinglassie, in Aberdeenshire, Dundee seemed in a condition to be effectively attacked by his enemy's increased force. Mackay formed a project for a surprise, which was unsuccessful, owing, as he maintained, to the machinations of those officers in Livingston's regiment of whose treacherous intentions he had been already warned. In fact their conduct marred the projects of both sides, for had it not been for the suspicions created, Dundee believed that he would have surprised Mackay at Strathspey,† and now their secret

* Apparently afraid that he had suffered himself to indulge in too much worldly pride at the success of this feat, he says:—"We may see the hand of Providence very visible in this escape of so inconsiderable a party, whose defeat at that time would naturally draw difficulties upon the Government, not easily to be redressed, by the reasons above mentioned, as well as the divisions which already began to discover themselves in that very party which carried the Convention in favour of their Majesties' government; whereby we should learn to be modest when it pleaseth God to bless the service in our hands, which the most experienced and clear-sighted in their profession will have reason to do, if they examine impartially themselves, either as to their judgment, diligence, and resolution, wherein they shall find enough to humble them in themselves, and move them to give the glory to God; beside that, if we project and design anything which the issue doth justify as advantageous to the interest we serve, we ought to attribute the design, as well as the favourable success, to God," etc.—(35, 36). The sentence does not end here, nor does it begin at the commencement of this passage, which stands about equi-distant between its two extremes. The prolix general, indeed, seldom indulges in the luxury of a halt at a full stop; and thus the hazy tediousness of his narrative, however much it may be in harmony with his stratagetic operations, is infinitely more harassing to the reader than his opponent's heterogeneous grammar and eclectic spelling.

† See Balcarres, p. 41.

intimation gave Dundee notice of a similar attempt by Mackay. Dundee found it necessary to retreat rapidly, and as to his subsequent operations, they were taken out of his own hands by the dispersal of his followers, who, having been longer together than Highlanders like to be without some decisive result, melted away into their own country like a thawing snow-wreath.* The contest now, such as it was, consisted of small affairs between parties incidentally encountering each other. As 200 of Sir John Maclean's men, from the isles, were passing to join Dundee, they came unexpectedly on a body of horse, and after their manner immediately swarmed up the nearest hill. There the commander of the horse had the imprudence to attack them, and was severely punished by their impetuous rush down on the horses, unsteady from the inequality of the ground. Mackay himself was obliged to make a detour up the river Dee into the solitudes of Braemar, to rescue a small detachment which he had sent to seize some of the subsidiary Jacobite leaders, who were supposed to be there assembled in council. They met in the square tower of Farquharson of Inverey, a noted freebooter of high descent, and there Mackay's inexperienced officer, expecting easily to surprise them, was himself surprised and routed, and required the presence of an augmented force to enable him to bring the remnant of his men back. The two most remote fortalices on Deeside—Braemar and Inverey—were burned in this conflict; and Mackay left a small garrison in Abergeldie to overawe the Strath. Dividing his army, he left one-half under Livingston to occupy Inverness as a central post, and with the other marched towards Edinburgh. Thus was the war suspended in the meantime, but with so mercurial an enemy as the

* Sir James Stewart, writing on the 11th July, says:—"Our news from Dundee say that he has again almost evanished—scarce 200 with him, and these in great want of all things."—*Melville Papers*, p. 165.

Highlanders, momentarily assembling and disappearing, even Mackay knew that it was far from a conclusion. His main object in returning was to impress on the Government that it was not by sending armies and gaining battles that the Highlands were to be subdued, but by the establishment of fortresses in the central avenues of the country. The nature of Highland warfare, effective as it was on the native ground, was the feeblest of all against places of strength, and the mountaineers looked with instinctive awe on ramparts edged with cannon. Cromwell had seen this with his instinctive sagacity, and it was afterwards followed by others when much blood and strife had been wasted in less effective warfare; but it was a plan not likely to be at once adopted by a Government in the impetus of a revolution.

Mackay had now to notice a too-memorable instance of the influence of fortresses in the Highlands, in the events connected with the garrisoning of Blair-Atholl. This fortified mansion—strong in the age when large-calibred guns were not used—commanded in front the strath of the Garry, through which troops might march by the line of the Highland road through Drumouchter, while behind it covered the narrower passes leading to the Spey and the Dee. Mackay considered its possession of such infinite moment, that the defeat of Killiecrankie was occasioned by his efforts to preserve it for the Revolution Government. Dundee, who was as eager to acquire it, had at last received his commission of Lieutenant-General. It had been despatched by his exiled master from Ireland on the 29th of March, but did not reach him until after the middle of June.* It was accompanied by an ingenious letter of encouragement, showing the danger incurred by a hated man, like the pursuer of the Covenanters, if he were in any other position than the conquering favourite

* Letters of Dundee, p. 35.

of a powerful court, and promising him tempting rewards, to be built out of the ruined fortunes of his enemies. He had begun about the middle of the month to re-assemble his Highland friends; and the customary promptness of his requisitions soon brought round him a considerable force at Moy, the chief strength of the Macintoshes, in the eastern border of Inverness-shire.* His ultimate views were now connected with the operations of a large victorious army from Ireland, landing on the west coast, and seconded by a French descent on the east. Of these wider operations, while busily doing his work of bringing together his scanty Highland hosts, he

* Dundee writes from Moy, June 23:—"Captain of Glenrannald is near us these severall dayes. The Laird of Baro [*i.e.*, Barra] is there with his men. I am persuaded Sir Donald [M'Donald] is there by this. M'Clean lands in Morven to-morrow certainly. Apen Glenco Lochell Glengaire Keppock are all raidy. Sir Alexr. [M'Lean] and Largo have been here with there men all this while with me, so that I hope we will go out of Lochaber about three thousand. You may judge what we will gett in Strathharig, Badenock, Athol, Marr, and the Duke of Gordon's Lands, besides the loyall shires of Bamf Aberdeen Merns Angus Pearth and Stirling. I hope we will be masters of the north as the Kings army will be of the south. I had almost forgot to tell you of my Lord Braod Alban who I suppose now will come to the feelds. Dumbeth with two hundred hors and eight hundred foot and said to be endeavouring to join us. My L Seaforth will be in a few dayes from Irland to rais his men for the Kings service."—*Letter to the Laird of Macleod, Dundee's Correspondence*, pp. 41, 42.

This fragment, printed literatim, may stand as a fair specimen of the great warrior's epistolary capacities—an interesting subject, since Sir Walter Scott has denounced his spelling as that of a chamber-maid. It certainly exceeds the average spelling of the day in circuitous variability, but it would be easy to find worse specimens in his class and rank. Take the following sentences from Sir Thomas Livingston, afterwards commander of the forces in the north:—

"The raport we have had so long tyme heer of a Frens invasion, is now generaly by il and wel inclyned beleeved. If it cems we schal fynd our selfs in great straits: for notwithstanding my frequent representations of lying in provisions, nothing is done, so that we schal be a great deal wors provyded as thoas that coms to invade us."—*Melville Papers*, p. 601.

But there is a more curious and interesting feature in the spelling of Dundee's letter than a comparison of literary accomplishments. It shows complete unfamiliarity with Celtic sounds and Highland names. He spells them more like a cockney tourist than a Highlander, or one whose ear has been familiarised to Highland enunciation.

indulged in the most majestic and visionary expectations.* These dreams, however, did not interfere with his immediate project, the possession of Atholl castle, and the incidents connected with its acquisition are curious. Had the Marquis of Atholl, or his son and representative, declared for the Jacobite cause, there would have been no difficulty about the acquisition of their fortress and the employment of their clan. The Marquis of Atholl was, however, in London, watching for himself how the political wind veered, that he might trim his sails accordingly. It might be questionable if he would declare for King William; it was clear enough that he was not in a position to declare for King James. Dundee wrote successive letters to the son, Lord James Murray, calling on him to hold his paternal fortalice for "the king," and though Lord James became afterwards a Revolution statesman, these letters are written in a tone inferring that the writer had his reasons for believing that they would be complied with. They remained unanswered, and Murray seems to have communicated their contents to Mackay. At last Dundee found a means of breaking through all scruples. Stewart of Ballochin, a member of the old Stewart family which possessed the Atholl properties and dignities before they came, by female descent, to the Murray family, had the management of the estates as steward or factor, and commanded the castle in the absence of its lord. Dundee

* We find him writing to Lord James Murray from Strowan, on the 19th July thus:—"I need tell you no news, you know all better than I doe who dwell in deserts: yet I can tell you that the Frensh fleet consists of 80 capitall ships, and is at sea, with 10 fireships, and 400 tenders; that the Dutch, who designed against them are beat back with loss; that the English dare not appeir; that the Frensh have 15,000 of the old troops aboord to land in Ireland or Brittane; that ther are 30,000 more camt at Dunkirk waiting for our Kings service; that the King is now maister of all Ireland, and hes ane army of 60,000 men in good order ready to transport; that Schomberg knows not where to goe for defence of England, and is not thinking of Ireland."—*Dundee's Correspondence.*

issued a commission to Stewart, bearing that the king had appointed the Marquis of Atholl to command a garrison for his majesty's service; but as he was absent in England, and it was necessary that the service should not be neglected, the commander of the forces appointed Stewart to act in his place.* Dundee then, after placing a garrison in the castle, wrote to Lord Murray claiming merit for this transaction. He heard, he said, that the rebels, meaning the Revolution Government, had demanded possession of the strength; and knowing that this would put him to the disagreeable alternative of refusing to give it up, or appearing to side with the Revolution Government, he had relieved him from the dilemma by ordering Ballochin to hold it for King James.†

These machinations perplexed the clan, who were at a loss to find the proper direction of their allegiance. Had either the marquis or his son declared for a side, and held the castle garrisoned, none of the clan would have hesitated to follow, without inquiring which king they were called to support. But with the marquis absent, the manager of the estates and the custodier of the castle on one side very decidedly, and the representative of the family on the other, rather faintly and equivocally, it was natural that they should be all along divided, and that when Dundee came among them with their fellow-mountaineers, the greater number of them should declare for Ballochin and the Highland army.‡

* The commission is dated 21st July. † Dundee's Letters, p. 79.

‡ Mackay evidently doubted Lord James's earnestness in the cause. He gives an odd reason for having originally trusted him, viz., his "some years not living in good understanding with the marquis his father, of whom, at this time, the general had no favourable opinion."—*Memoirs*, p. 48.

'The generally dubious aspect of their conduct is not removed by two letters in the Melville collection, in which the father vindicates himself against a charge that his going to the bath had "something else" than his health in it, and the son pleads both for himself and his father, saying that Dundee's assertions of his having given his allegiance to the exiled king, are untrue.—*Melville Correspondence*, p. 52–4. He afterwards is found vindi-

In the meantime Mackay, getting his Dutch regiments pretty well filled up with Scottish recruits, was carefully training and gradually enlarging his force, to prepare them for operating against the rumoured attempts on the west coast, when the news from Blair prompted him to proceed thither and attempt to seize the castle ere Dundee could reach it. He was, however, detained for ten days in Edinburgh, waiting for a supply of meal for his commissariat, and horses to convey it.* His force appears to have amounted to 3000 infantry, with cavalry and dragoons amounting to nearly 1000 men.† This army consisted mainly of fresh levies, none of whom, except perhaps the few who had been in Mackay's devious campaign in the north, understood the nature of the Highland charge. He had reached Perth on the 23d of July, and there heard that he had little chance of reaching Blair before Dundee had relieved the garrison, and taken up his position under the protection of the castle. When he reached Dunkeld, he heard that the relief had been accomplished, and that the object for which he had moved northwards was defeated.‡ It was

cating himself for going to Glenalmond, in Perthshire, which was, he said, merely to drink goats' milk.

Mackay, in looking back on all the circumstances, speaks of Murray in a tone of suspicion, which may be the natural result of his defeat and subsequent disappointments; but its tendency is apt to be strengthened by the apparent reliance which Dundee seems to have had in Murray's co-operation with himself. Throughout the "Melville Correspondence," and in other quarters already alluded to, he is spoken of as dubious, where he does not get a worse character; and it appears that he thought it prudent to take advantage of the indemnity.—*Melville Papers*, p. 280. This Lord James Murray is the same who, as Marquis of Atholl, will be found a conspicuous man in the events of Queen Anne's reign, and especially in the matter of the Scottish plot.

* Memoirs, p. 46.

† Memoirs, p. 46. "Six battalions of foot, making at most 3000 men, with four troops of horse, and as many dragoons;" but, from the worthy general's ever hazy narrative, it is difficult to say whether this is the force he meant to take westward, or that which he actually took northward.

‡ He says, in his "Memoirs," that he reached Perth "about the 22d or 23d of July." It is difficult to reconcile this with his reaching Killiecrankie no sooner than the 27th. Of the latter date, however, there is no doubt.

at an early hour of Saturday the 27th, when he approached the fatal pass of Killiecrankie. There he met his ally, Lord James Murray, who apologised for having under his command only some two hundred or more of the Atholl men, because, he said, when an enemy approached, it was the custom of the people to remove and hide their cattle and other valuable things; and the general, looking upon Dundee's force as men against whom such precautions were very necessary, was fain to be content with the excuse. He was assured by Murray that a sufficient body of men had been left to keep the pass for the safe advance of the troops; but when Mackay's advanced guard passed through, these Atholl men were not seen. Mackay, it must be remembered, was not so heedless as to enter the gorge of the pass, where a few men could have destroyed such an army as his, without taking possession of the heights on either side. The force in possession of such a ravine might be nearly as formidable to an enemy coming from above, as to one coming from below, if they attempted to pass through it; but it was Mackay's object merely to hold it clear for his own passage through to the open country above.

The most picturesque of Scottish battle-fields is stamped by the hand of nature with marks which seem destined to remain while the crust of the earth holds together; and, long as the memory of the battle may be preserved, it is likely to be lost in oblivion behind the multitudinous thickening of greater events, ere those peculiar features, which are adjusted to every stage of the tragedy with so expressive an exactness, are obliterated. The spot at once indicates the general character of the conflict, and its minuter features fit with singular accuracy into the mournful narrative of the defeated general. Though not the field of battle, the nature of the pass itself had an important influence on the whole calamity; for it deprived Mackay, after having entered it, of all chance of a selec-

tion of ground. The Highland rivers, generally sweeping along winding valleys between chains of mountains, sometimes seem to break, as it were, through such a barrier, where it is cleft in two, like the traverses of the Jura; and such a cleft, as a formidably defensible gate to the country beyond it, is generally called a Pass. In Killiecrankie, the cleft is not straight down from the general upper level of the mountain range, but appears as if cut into a declivity or hollow between widely separated summits, so that at the top of the rocks which form the walls of the narrow ravine, there is a sort of terrace stretching backward on either side, with a slightly inclined plane, the upper extremity of which starts abruptly upwards to the summits of the mountain range on either side of the declivity. And this peculiarity in the ground had considerable influence on the fate of the day. A broad terraced turnpike road, with many plantations, somewhat alter the character of the spot from its condition in Mackay's day, when the clefts and patches fit for vegetable growth were sprouted with the stumpy oak scrub indigenous to Scotland, relieved by the softer features of its neighbour, the weeping birch, hanging with all its luxuriant tendrils from the rocks. The path of the army must have lain, not by the present road, but along by the base of the rocks, where roars the furious river, tumbling through all its course over great stones into successive holes, where, in uneasy rest, the waters have that inky blackness peculiar to the pools of the moss-stained rivers of the Highlands.

On reaching the top of the pass, an alluvial plain was found, of small extent, but level as a Dutch polder, where the troops formed as they came in a string through the pass, and rested while the general set himself to the vain task of seeking a good position. He sent onwards an advance to announce traces of the enemy, who were but a little way on when they gave the announcement; and

Mackay, riding to the spot, saw them appear on the sky-line of a bend in the hill above him to the north, from six to eight hundred feet higher than his position, and not a mile distant from it. Rising close over the small plain where his troops were forming, was an abrupt knoll, on which stand now a few old oaks,—the remnant, probably, of the scrubby coppice which made the general notice it as "full of trees and shrubs." Observing that the high ground on which the enemy appeared carried them directly, by an almost unvaried descent, to the top of this immediate elevation, Mackay saw that the enemy, reaching it while his troops remained on the flat close under it, would undoubtedly force them "with confusion over the river."—And no one who looks at the narrow strip of meadow, with the abrupt ascent rising over it, can have the least doubt that his apprehensions were well founded.

An immediate movement was necessary; and, by what he calls a "quart de conversion," he turned his battalions each facing to the right, and marched them straight up the ascent. A little further on they reached a stretch of ground comparatively level, but with a general ascent, leading by a sweep towards the higher craggy summit, along the slopes of which Dundee's men, all accustomed to that kind of ground, were ranging themselves. They had behind them the craggy top of the mountain range, as a place of retreat in case they were defeated; while below was a continued though gradual descent to the place where Mackay was doomed to draw up his men.*

* Among the many hazy efforts at description by the worthy general, that of the place where he was defeated is distinct enough, and so accurate that the most casual perambulator of the ground would at once recognise it. He calls it "a ground fair enough to receive the enemy, but not to attack them, there being, within a short musket-shot to it, another eminence before our front, as we stood where we were, up the lowest hill near the river, whereof Dundee had already got possession before we could be well up, and had his back

He must have now seen that his only chance lay in a steadiness which it was almost vain to expect from his raw levies. The mountaineers had the whole range of the heights, from which, like a bird of prey, they could pounce on him wherever he disposed himself. He thought of wheeling to the left and crossing the river. While incurring the risk of being attacked in flank in so delicate a movement, if he had accomplished it he would not have improved his position; for his nimbler enemies would have crossed farther up, and gained the heights above him. They had, in fact, the power of choosing the higher ground in the amphitheatre of hills, while Mackay had only the choice of that basin or elevated valley, which, being cut through by the cleft or pass, forms the terrace-ground on either side of it already mentioned. To retreat from this upper basin and the presence of his enemy on the surmounting heights, he had no other recourse than by plunging through the gorge of the pass—an operation which would have brought on an immediate slaughter. This mistake had already been committed, in passing into unknown ground, from which the very nature of his approach to it cut off a retreat.* But when his difficulty, in finding that his adversary had the best, and himself the worst possible position, was inevitable, he seems to have conducted himself with coolness and intrepidity.

Moving onwards over comparatively level ground, to the line where the descent becomes more decided, he resolved to take up his final position. Haunted by the

to a very high hill, which is the ordinary maxim of Highlanders, who never fight against regular forces upon anything of equal terms, without a sure retreat at their back, particularly if their enemies are provided of horse."—*Memoirs*, p. 51.

* And yet it is wonderful that it should have been quite unknown to him, and that, passing previously near it, as he must have done, he should not, as a soldier, have made himself acquainted with a piece of country so remarkable for military purposes.

ordinary military superstition of the day—that a commander's great means of safety consists in protecting himself from being outwinged—he formed in a long line three men deep. Leven's regiment was on the right, and the Scottish Fusileers on the left.* In the middle he had a considerable opening, where he placed, in the rear, two troops of horse. He placed them thus, he says, not that they might directly meet the charge of Dundee's cavalry, who, chiefly from their commander's old brigade, were picked men in the highest state of training, but to operate in flank, if the charge of the Highlanders should be steadily met.† He had three small leathern cannon, of a kind which had even then become antiquated; and while they played away almost inoffensively, the Highlanders, from their superior ground, took aim at the general and his staff as he passed along accurately forming his line, and wounded some officers before the battle began.

Let us now look to the other camp. When it was known at Blair Castle that Mackay was entering the pass, the Highland chiefs were clamorous for a battle. They said it was not the nature of their followers to keep together unless they came quickly to some decided result; and Dundee, from his previous experience of their

* The former is now the 25th, and the latter the 21st.

† He mentions a piece of boggy ground between the two wings, "which on a sudden could not, without a hazard of bogging, be galloped." The marshy spot is still noticeable, and has an effect on the pretty garden ground of Urrard which would make a Lothian agriculturalist suggest tile-draining. It is singular, by the way, that in none of the accounts is it mentioned that the house of Urrard, a small mansion in the centre of the battle-ground, was occupied. It seems to have been originally a not much smaller building than that old mansion of Hougoumont, the defence and siege of which had so important an influence on the battle of Waterloo. The importance of even petty covers in fields of battle seems not to have been then estimated; and if Urrard House was garrisoned, the battle seems to have swept too suddenly past to give the occupants an opportunity of acting. Dundee occupied a small house,—probably an old cottage with thick walls, still standing, a little higher up than Urrard.

rapid dispersal when he could not give them fighting or plunder, agreed to the proposal. They swept round, keeping the upper ground to the elevated bend on that ridge looking down on Killiecrankie, where we have seen that their approach was first noticed from below.

The usually overpowering effect of a superior force of disciplined and equipped troops, would be lost in the vast arena on which the mountaineers looked down, confident in the strength of their position, their command of an impetuous descent on an enemy with a pit behind, and their ability to regain their rocks if their charge proved ineffective. It is easy to believe Lochiel's assertion, that their own shout sounded loud and full, and that of the enemy below them faint and feeble.

As in every other battle, there are disputes about the numbers engaged, which are not to be easily settled. There are, however, evidently false notions of the inequality of numbers. We have seen that the whole embodied force of Mackay was about 4000 men, and he speaks of having left part of his cavalry at Perth. Dundee expected, as we have seen, to march out of Badenoch with 3000 men; and one partisan account of the battle says he had 2500 foot and one troop of horse.* Mackay's force was certainly not double that of his adversary; but, had it borne a far greater proportion, the trained warriors and the command of the ground, when in the hands of one well fitted to use them, were advantages outweighing a large numerical preponderance.

Dundee formed his men by clans, and they adjusted themselves into something like unequal battalions—the larger clans dividing, and the smaller clustering together. In the centre, besides the cavalry and a regiment or band of Irish recently brought over under Cannon,† were Lochiel,

* Account published in "MacPherson's Papers," i. 369.

† Lochiel, in the spirit of rivalry, calls them "three hundred new-raised, naked, undisciplined Irishmen."—*Memoirs*, 257.

Glengarry, and Clanranald, each forming one battalion or phalanx. Sir John MacLean's men were on the right, divided into two bodies; and on the left one body of the MacDonalds and one of the MacLeans. Among the papers of the exiled prince's secretary is a very well-composed document, called "Lord Dundee's Speech to his Troops before the Battle of Killiecrankie,"* which he certainly never delivered, for the excellent reason that not a tenth of his audience could have understood a word of it, and he was not a man tempted either by capacity or inclination to the useless composition of flowing sentences. Though it has been the fashion for historians, following Livy and Tacitus, to make every battle be preceded by a fictitious speech, we may yet readily believe General Mackay's statement as to the few homely sentences about the preservation of their religion and liberties, which he says he dropped to his men as he formed their accurate front line.

The armies faced each other, after they were formed, for more than two hours. The midsummer sun shone full on the Highlanders, and Dundee would not charge until it had touched the western heights. The object of his adjustment was to cut through Mackay's thin line with his impetuous bodies of Highlanders—to cut it effectually through in several places, and yet with so broad a blow at each as not merely to pass through, but to throw the whole into confusion. To make the blows effectual, it was necessary that his line should not be too thin; to make them tell fully along Mackay's line, he must not make his own too short, or the intervals between the battalions too wide. If he erred, it was, as we shall see, in the latter cautious direction.

The ground had an admirable slope for the necessary

* MacPherson's Papers, i. 371.

impulse. When the charge was given, the Highlanders came on at a slow trot, received the fire of their opponents, and, while they were screwing on their bayonets discharged their own, threw down their guns, and rushed on with their slashing broadswords, as sailors board with their cutlasses. Nothing but strong columns, or squares with the fixed bayonet, could stand the rush. The result was instantaneous; and those who were not cut down were swept into the gulph of the pass. An accident created some hesitation in the charge of Dundee's troop of cavalry. It had been commanded by Lord Dunfermline; but a commission from James to a gentleman with the illustrious name of Sir William Wallace, to supersede him, had just arrived. The men, not quite sure whom to obey, or unaccustomed to the method of the new commander, did not charge right forward at once. Dundee had ridden on, supposing that he was in their front, and, looking back, was surprised not to see them at hand. Lord Dunfermline told Lochiel, that above the smoke he saw the general wave his hat over his head, as he rose in the stirrup to signal them onwards. It is then that he is supposed to have received his death-wound; for it was by a bullet that entered his side, some inches within the breast-plate. As he dropped from his horse, a soldier named Johnson caught him. The dying man, with the instinct of the enthusiastic commander, asked anxiously how the day went. The supporter said it went well for the king, but he was sorry for *him*. Dundee answered, it mattered not for himself, if the day went well for the king.* He appears to have died almost immediately; and when some of his friends, finding him before life was extinct, endeavoured to remove him, they were obliged to abandon the attempt by the fire from

* Johnson gave this account to Lieutenant Nisbet, a witness in the attainder, who had been taken a prisoner to Blair Castle. See "Depositions," etc.

Leven's battalion remaining on the field.* Those who were present said his body was wrapped in two plaids, and conveyed to Blair Castle. Within a short time afterwards he was buried beneath the secluded church of Blair; and never vaulted roof or marble monument covered the last abode of a more restless and ambitious heart than that which has slept in this quiet spot amidst peasant dust.†

* The gentlemen, "on their way, discovered the body of their noble general, who was just breathing out his last. . . . Observing some small remains of life, they halted about the body to carry it off; but Leven's battalion advancing in the interim, fired smartly upon them, and wounded Mr Haliburton of Pitcur so mortally that he died within two days thereafter." —*Memoirs of Lochiel*, 269.

† It is generally supposed that Dundee survived the battle, because MacPherson, along with his speech already referred to, published a letter from "the Viscount Dundee to King James, after the battle of Killiecranky." The letter is so happily expressed as to be a forgery on its face; for it is not to be imagined that he who vainly struggled after grammar with all his senses with him, would command it when mortally wounded, and utterly unfit for that species of command with which he was familiar. The tenor of the rapid events of the day, as well as the testimony of the witnesses so often referred to, show that he expired speedily. See this confirmed in a note to "Dundee's Letters," p. 83. Dundee's own friend, Balcarras, seems to intimate that his body was stripped by some of his followers. He connects this, however, with a further statement, which needs confirmation. He says that, next day, some one passing where he had been killed, found a bundle of papers, where "those who had stripped him thought them of so little concern that they left them upon the ground." Among these was a letter from Melfort, explaining that James's announcement to Dundee of a toleration was purposely made evasive, or, as Balcarras reports it to James himself, "that notwithstanding of what was promised in your declaration, indemnity, and indulgence, yet he had couched his words so that your majesty could elude them when he pleased, nor would you think yourself obliged to stand to them."— See the reasons for disbelieving that the account of this act of duplicity was part of the original MS. of Balcarras, in the note to "Dundee's Letters," cited above.

To return to the incidents connected with Dundee's death. Laing says— "A rude stone was erected on the spot, to mark to future times where he fell." Such a stone stands in a field below the scene of the fight, and in the line of the pursuit; but it is evidently one of the stones called druidical, and may have stood there thousands of years before Dundee's day. It may here be mentioned, that to place any reliance on tradition in such a matter as the battle of Killiecrankie, would be supremely idle. Where there is no written record, tradition alone must be received, and there alone it has a

The field itself, and a decreasing track along the broken line of retreat, showed all the hideous relics of a victory gained by sword-cuts, where the fatality of each casualty depends on the size of the gash. The loss by death and capture in Mackay's army was said to amount to 2000,—that of Dundee's to 900.

Had the Highlanders been checked, they would have turned and scampered up the hill—not in fear, but to renew the battle in their own way. Breaking easily through, they carried down before them at least all that they faced; "so that," says Mackay, "in the twinkling of an eye, in a manner, our men, as well as the enemy, were out of sight, being got down pall-mall to the river, where our baggage stood. At which sad spectacle it may be easily judged how he was surprised to see at first view himself alone upon the field." But he was not quite alone. The disposal of the rude phalanxes of the clans had not been sufficient to sweep the whole thin line of Mackay's force, and consequently a portion of it was left untouched, and without an enemy whom it could, by the legitimate rules of war, attack; for both pursuers and pursued were away behind them, buried in the dark gulf of the pass. He found this group to consist of the greater part of Lord Leven's regiment, with its colonel and nearly all its officers. Lord Dunfermline and a few other leaders attempted to collect stragglers to attack this body, but none of them could speak gaelic or make known their objects. They were obliged to retire, after, as we have seen, endeavouring to remove their dying commander. Mackay's coolness and courage, in which he was not deficient, were now put to use. He found that the flanking operations of his horse had signally failed, but a por-

chance of being accurate. But where events have been recorded in books, tradition soon becomes a faint and erroneous echo of their pages; and the Highlanders are apt to take their ancient traditions from very recent books, as those who visit the scene of the "Lady of the Lake" can testify.

tion remained, and were brought up. Such stragglers as could be found were hastily formed, as it was expected that the victorious enemy would charge the small band; but the plundering of the baggage gave them a respite, and there was time to deliberate on a systematic course. Mackay seems to have first thought of defending himself within the garden of Urrard, but on further reflection he wisely resolved on a systematic retreat. He had first the perilous operation of passing the river; whence, by rugged, mountainous ground, cut by the Tay and other rapid though smaller streams, he took his way to Drummond Castle, where he had a garrison. The first and most difficult part of the journey was passed in so immediate expectation of pursuit, that Mackay's military knowledge suggested to him that Dundee must have been killed, for, had he been alive, there would have been pursuit and further conflict.

The first intimation of the battle came to the Government in Edinburgh in a shape which appalled them. It was brought by fugitives, who always exaggerate disasters to make their own flight less despicable. It was believed that Mackay and all the chief officers had been slaughtered, while Dundee was following up the victory with his usual ferocity. The books of the Privy Council show that body meeting next day, which was Sunday, and writing to the friends of the Government throughout the country, urging them to arm and be vigilant. The news thus received was conveyed, unmitigated, to London, where Melville, the Scottish secretary, received it, accompanied with condolences for the fate of his son, who was numbered, in the exaggerated rumour, among the slain. So lazily did genuine intelligence then travel, that on the 29th—two days after the battle—the letters of official people in Edinburgh show them ignorant of the death of Graham, and apprehensive that he had marched southward and seized Stirling Castle. It was supposed that the High-

landers might even be marching straight on Edinburgh; and it was proposed, as the safest policy, to abandon in the meantime the protection of the country north of the Tay. In this crisis Mackay was required to march southwards; and coincidently a body of English troops was on their way from Chester. Observers of the immediate aspects of the times said that, in the first burst of the exaggerated intelligence, faces were seen in Edinburgh which had disappeared since the forfeiture of the crown; while some who had been passively opposed to the new order assumed an aspect of expressive interest; and avowed friends of the Revolution who were under suspicion, were evidently preparing to change their tack. The genuine intelligence, which arrived on the 1st of August, was so great a relief to the friends of the Government, that it elicited the rejoicings due to a victory, and gave them the invigorating influence of a great success.*

* See a number of successive incidents connected with the receipt of the news, in the "Melville Papers," 203, *et seq.*

CHAPTER IV.

Mackay after the Battle of Killiecrankie—The Swelling and Subsidence of the Highland Army—The Cameronians sent north—The Siege of Dunkeld—The Skirmish at Cromdale—Cannon and Buchan—Mackay's character and services—Fort-William—The Submission—Dundee's officers abroad—Lord Breadalbane—Plan for pacifying the Highlands, and receiving the allegiance of the Chiefs—Dalrymple—The Massacre of Glencoe—Its connection with the general treatment of the Highlanders—The Inquiry into the guilt—Subsequent Feuds—Letters of Fire and Sword—Keppoch and the MacIntoshes—The Frasers—The Siege of the Bass.

MACKAY, when he got clear of the fatal valley of the Garry, pursued his retreat carefully and coolly. It was late next day—Sunday, the 28th—when he reached Drummond, and on Monday he proceeded to Stirling. He was now in communication with the Government, and he showed a natural tenacity of political purpose, such as even victorious generals do not always possess. He learned that it was intended to abandon, in the meantime, the districts north of the Tay to the Jacobites. He was utterly opposed to this project. It would unite the most warlike part of the country to that cause, and a nationality would be immediately created, with something like a regular government and a system of taxation. He resolved, as commander of the forces, to act against this policy, and began immediately by marching to Perth, ordering outlying detachments and new levies to join him.

The first news of the victory, as it startled and frightened the Government in Edinburgh, sounded like a war-trumpet through the Highlands. On the third day after it, there came to Blair Castle 500 of Lochiel's men,

200 under Stewart of Appin, 500 MacPhersons and MacDonalds, with all the Atholl men, and a crowd of little groups from smaller clans. The headless army speedily swelled to 5000 men.* If Dundee had lived, he would, in a short time, have led the largest army ever assembled within the boundary of the Grampians, and would have formed a centre for all the opponents of the Revolution throughout the island to rally round. The question of the Revolution and the supremacy of the Stewarts would have then lain between his fiery genius and the unwearying skill of his old master, King William. But there was now no hand with sufficient skill to adjust the subtle elements of the game. Had one of the Highland chiefs been fit for the command, his fellows would not have permitted him to hold it—the event might become a precedent, mediatising them under something like an imperial head. Nor did this capricious and supercilious body much relish an immediate submission to Colonel Cannon, merely because he was the next in military rank —a grade which they did not acknowledge. Nothing but a great man raised over their head, as Dundee was by acclamation, could have kept them a united force; and, with a grumble, they submitted to the less unpleasant of two alternatives.

Cannon was, like Mackay, a regular disciplinarian, who set about his business systematically, as he had been taught it. The Highlanders soon felt his incapacity to deal with their peculiarities. A sort of general council was held, in which the Lowland and Irish gentlemen who held rank as officers mixed with the chiefs. These potentates said courteously that they would thank the gentlemen for their professional advice, but could give them no vote in a matter where they alone, as the leaders of their people, were interested; they considered the

* See "Lochiel's Memoirs," 283, confirmed by Mackay, 65.

pretensions of the officers as offensive as if the generals in a campaign were to profess to act in congress with the monarchs employing them.* The chiefs, however, were overruled, and became disgusted. Lochiel immediately retired to his own country "to repose himself," and other chiefs dropped off one by one. While the force, however, was still about four thousand strong, Cannon marched northwards with no distinct object. Whether by accident or intention he prudently kept his men on the slopes of the Grampians, which, on the eastern side, rise suddenly like a rough bank from the vale of Strathmore. The Highlanders had here, at all events, the confidence of treading their natural ground with the immediate means of retreat. As they moved on, Mackay with a much smaller force kept in a parallel line on the plain, and thus they wandered northwards, leaving each other unmolested like distant companions rather than enemies.

While they proceeded, a new and powerful element was brought into the strife. The armed Cameronians were like so many demons raised by the Revolution, which demanded work of their own destructive kind from it, otherwise they might rend the new settlement itself. Their new formed regiment was sent northward by the council to aid in the subjugation of the Highlands, and it does not seem to have been thought necessary to grudge them the honour of holding the post of danger. It was now that the true ferocity of a social war showed itself for a brief period, those who were aliens in blood and habits, and opponents in religious and political creed, encountering with all the more deadly hate that they lived within the same land and were nominally under the same government. The Mountaineer, with all his ferocity as a professed lover of war and plunder, and a national hater of the Saxon, was now

* Lochiel's Memoirs, p. 284.

indeed to encounter a keener and sterner hatred still, a hatred heated in the furnace of enthusiasm, and hardened on the anvil of persecution. Both knew and abhorred each other; but the Covenanter had a special ground of wrath against that savage horde, that in the evil hour of persecution had been let loose upon him like the wild beasts of old upon the Christian martyrs. They were led by a remarkable commander, their lieutenant-colonel, William Cleland, not yet in his thirtieth year. His comparative youth might have rendered him unacceptable to the grave stern fathers of the Societies, ever unwilling to yield to any authority that could be plausibly resisted; and it is still more wonderful that they should have submitted to one endowed with worldly accomplishments and heathen learning, and even given to the vain art of poetry. His muse, it is true, was dedicated to the satirical flagellation of that Highland host which had inflicted so much misery on the righteous, and might thus be deemed within the laudable category of sacred poetry. But his true command over them was in a powerful response to the highest tones of their own enthusiasm. Like Cromwell and Dundee, he could feel all they felt, yet point the strength of his zeal to a definite object by the unerring guidance of a clear judgment; and he crowned his short life with an achievement fit to have given another laurel to those more renowned heroes.

The place where the Cameronians were directed to take up their position was Dunkeld. It is difficult to imagine one, by the nature of the ground, more dangerous for a Lowland force, for it is deep sunk among hills commanding it, and cutting off a retreat, while a rapid river forms the diameter of their semicircle.* All the

* Mackay says they were thus sent to a place "separate from all speedy succour, and exposed to be carried by insult, without the least prospect of advancement to the service by their being posted there, but an assured expectation of being attacked."—*Memoirs*, p. 69.

regular troops seemed to avoid the Camcronians in their fate as doomed men. Mackay remained in Aberdeenshire while he heard that Cannon, informed of so tempting an opportunity, was marching to Dunkeld to crush them. Sir John Lanier, with a considerable force, was at Coupar of Angus, within an easy march of Dunkeld, when he was told of the fate hanging over the Cameronians, but he had no special instructions, and delayed taking any order in the matter until it was too late. We shall even find that a body of troops actually on the spot, left them at the most critical moment.

But their spirits rose with the occasion, and for once these men gave up their self-opinionativeness and fatalism, and, taught by previous calamities, relied on the operations of their able commander. The cathedral tower was as strong as many of the feudal fortifications of the day. Its architecture had that massive, close character of the Norman age, which, probably, not without a consideration of its capacity for defence, was continued to a later period in these northern works than in those of England. Besides the body of the church, as an outwork, Dunkeld House, which stood on a spot a little eastward of the celebrated larch trees, made another fortress. It was not strictly a castle, but a large, square, new mansion in the English style, with a flattened roof and many windows; but though not thus so strong as an old Scottish keep, it had one seemingly providential advantage, that from the roof, which was of lead, they replenished their exhausted store of bullets. These fortifications would have been shattered immediately by a modern battering train, and even Cromwell, if we may decide from the broken vestiges of his progress through Ireland and Scotland, would have made a brief business of their demolition. But his notions, in which he preceded Napoleon, of the overmastering power of this arm, seem to have been little appreciated by his followers in the British civil wars, for their

operations with cannon, whether in field or siege, were invariably childish. The besiegers on this occasion possessed artillery, and the hills around Dunkeld are precisely adapted for the annihilation, with shot and shell, of everything within the valley. The history of the contest, however, takes no feature from the operations of the artillery, and its very existence is but casually mentioned.

It was on Saturday the 17th of August, that the Cameronians reached their quarters; and next morning, seeing signs of hostility around, they did not hesitate, though it was Sunday, and they were observers of that day to the utmost rigour, to set practically about the work of defence, by cutting trenches and making barricades. They were first threatened by the Atholl men, assembled by the old war-symbol of the crosteric, or fiery-cross. At first a few wild figures appeared upon the hill-tops, looking down upon the busy Cameronians; and as they gathered thicker, this message was sent by them:—"We, the gentlemen assembled, being informed that ye intend to burn the town, desire to know whether ye come for peace or war, and to certify you that, if ye burn any house, we will destroy you." The answer was —"We are faithful subjects to King William and Queen Mary, and enemies to their enemies; and if you who send these threats shall make any hostile appearance, we will burn all that belongs to you, and otherwise destroy you as you deserve."

On Monday morning Lord Cardross arrived with two troops of horse and three of dragoons. With a portion of the garrison, they marched out on Tuesday, and had some skirmishing with the Atholl people, not calculated to any definite result; and at night, after receiving repeated commands, they marched to Perth. The commander showed a soldierly reluctance to obey on the first order; but when the second came, military etiquette more than

justified him, and he left the stubborn zealots to their fate. It was but human nature that some of them should misgive and desire to march off with the horse, but the enthusiasm of their colonel, and the stern determination of the majority, drew them back to share in the general lot, and there was no further murmuring.

On the morning of Wednesday it was no longer the scattered groups of the Atholl people, but the whole Highland army of five thousand men, that crowned the hills. The cavalry were sent to keep the fords, while a general attack was concerted. Cleland, with great skill, drew in his outposts, signaling them how to retreat and fire from cover to cover, until they came within the general barriers. From the preliminary firing of the enemy, it was necessary now to limit the defensive lines to the church, the mansion-house, and the walls of the park.

The wild host, like hungry hyenas, disappointed for a moment of their doomed prey, came close round to make their general rush. It was in the same shape as at Killiecrankie—a sharp trot, a discharge of firelocks, and then a wild gallop with the sword on the men lining the dykes. Nimble at surmounting minor obstructions, they expected to get over and commence the slaughter, but they were driven back by pikes and halberts, and retreated nearly as quickly as they came. The attempt was repeated over and over, with the same success. In the meantime, parties were placed in the houses of the town, to keep up a war of musketry with the garrisons of the church-tower and the mansion. The Cameronians assailed thus from covers, where the numbers could be ever supplied from the general body, took to the offensive in a manner as daring and original as it was effective. A party of men were sent, with blazing fagots on the ends of long pikes, who set fire to the dry thatch of the houses, and the village was speedily in flames. With calm ferocity, some of them, finding the keys of the doors

outside, turned them, and doomed the wretches within to the hideous death of fire. The Cameronian recorders of the event, with a solemn meaning, remark that every house in the small city was burned down, save three, in which some of their own troops were posted, and that the fire and smoke kept clear of the church-tower and the mansion-house, as if a breeze specially blew them thence back upon the enemy. This ferocious warfare lasted till eleven o'clock at night. The day, like that of Killiecrankie, was signalised by the death of the victorious leader early in the fight, and the manner of it shows the ferocity of the attack. Happening to expose himself to give an order, he received, at the same moment, one shot through the head and another through the liver, and dropped while attempting to return to his garrison in the mansion-house. When wearied out with the pertinacity of the defenders, the Highlanders took no order of retreat, but scampered off at once to the hills, and the besieged, after many demonstrations of exultation, contempt, and defiance, betook themselves to thanksgiving for a deliverance, which they believed, and as it turned out justly, was complete.*

* "Whereupon they within beat their drums and flourished their colours, and hollowed after them with all expressions of contempt and provocations to return. Their commanders assayed to bring them back to a fresh assault, as some prisoners related, but could not prevail; for they answered them, they could fight against men, but it was not fit to fight any more against devils."—*The exact Narrative of the Conflict at Dunkeld, betwixt the Earl of Angus's Regiment and the Rebels, collected from several Officers of that Regiment*, etc., a contemporary pamphlet from which the details of the affair are chiefly to be derived. They are generally confirmed by a letter from Colonel Blackader, then a Lieutenant in the regiment, published in "The Life and Diary of Lieutenant-Col. J. Blackader, by Dr Andrew Crichton." The young man says: "Upon their retreating, our men gave a great shout, and threw their caps in the air, and then all joined in offering up praises to God a considerable time for so miraculous a victory. I must really say the Lord's presence was most visible, strengthening us, so that none of the glory belongs to us but to his great name."

The account is further confirmed by a notice in the "Minutes of the Privy Council" of 28th August. In a letter to Lord Melville the Council say:

The details of this affair are told only by the friends of the besieged, but the Jacobite writers admit the general fact that Cannon's army, which, with the Atholl men, exceeded four thousand men, was beaten back by the Cameronians stationed in Dunkeld, who did not amount to eight hundred. Nothing could be better calculated to sicken the Highlanders of their ungenial commander; and as dogs are said to leave an unsuccessful sportsman, they swarmed rapidly homewards with such plunder as they could pick up by the way, and left their general virtually without an army. Mackay at last accomplished with ease the eagerly-desired possession of Blair Castle. He urged forward his plan for the establishment of forts in the Highlands, which had been at first but coldly received. Some ships of war were of service in overawing the islands and the narrow sea-lochs, cutting off the water communication, and thus materially abridging the means of mutual intercourse among the w stern clans. The more momentous war in Ireland now occupied the thoughts of the two parties, and except for one curious incident, the dying details of the war in Scotland would be utterly barren. In spring the Highlanders were again in motion, and they earnestly solicited the king of their adoption for arms, money, and commanders. They received but little benefit in any of these shapes. An officer was sent to them, named

"The account of the late engagement at Dunkeld, by particular relations brought hither, is evident to have been both of longer continuance, and managed with greater courage and conduct than appeared at first, for there are found to be killed three or four hundred of the enemy and many more wounded; and not above twelve of the Lord Angus' regiment killed, and thirty or forty wounded, although, during the action, they were not only constrained to send out their pikemen with faggots to fire the houses in the town, from which the enemy galled them with their shot, but also, in the last two hours of their service, falling short of bullets, they were obliged to send some of their number to cut lead from the roof of the Marquis of Atholl's house, and cast it in slugs, whereof they shot at least 4,000 after their bullets were spent."

Buchan, of whom it is enough to say that, however skilful he might be in regular tactics, not knowing, or desiring to know, Highland warfare, an eminent financier or lawyer might have performed his function as well. Still, a considerable number of the clans, tired of inaction, clustered round this new hope, and again we find a Highland army, as in the previous year, wandering along the banks of the Spey. Buchan, like Mackay, found camping-ground on the haughs, or broad alluvial flats at the bends of the river. But to a very different effect, for while such a place was well chosen for the Lowland army, because it was the last in which a trained force would be attacked by Highlanders; so, on the other hand, it was the very spot where the mountaineers were least capable of a defence, and most invitingly courted an attack. On the night of the 30th of April, the Highland army rested on the haugh of Cromdale, on the right bank of the Spey, a short distance below Grantown. Livingston, who had been left in the previous campaign with a garrison at Inverness, had drawn it out to watch the motions of the new-formed army, and some scouts from a hill on the other side of the river had seen them take up their position on the haugh. It was an opportunity for an attack not to be thrown away, for, were it seized promptly, the mountaineers might be surprised and compelled to fight before they could reach their proper element—the hills. Livingston knowing how formidable cavalry were to the Highlanders on such a spot, with much toil brought up three troops of dragoons, and a troop of horse. He had just arrived about midnight at a place on the opposite side of the river, whence he could see the Highland camp-fires, while his own vicinity was unknown. Before dawn his body crept down a corry, or slanting mountain defile, called Auchinarrow, coming to a guarded ford. An attack was made on it by a skirmishing party to distract attention, while the main body crossed another, which was

unprotected. When they accomplished the passage, the slumbering mountaineers were awakened with the foe upon them. It is known that the bravest men have not presence of mind for everything, and lose the use of their courage in unusual circumstances. The Highlanders immediately got up and fled towards the hill, not so much that they were afraid, as that their immediate instinct, as in wild animals when attacked out of their element, taught them to seek the mountains as the place where their peculiar gifts were available. With the plaids in which they reposed, hanging cumbrous and loose, or sometimes absolutely left behind, they scampered towards the nearest eminence, fighting, however, as they went, and leaving some wounds to mark their progress. Morning was just dawning, and the thick mist which at that time sometimes covers the upper ranges of the hills with a downy-like cap, happened to lie upon the nearest ascent, while all was clear, though not yet very light, below. Into this seemingly solid mass the retreating Highlanders appeared to dive upwards; and any further pursuit after them would have been attacking them on their peculiar ground, where the condition of danger would have been transferred from the pursued to the pursuers. The two commanders escaped so destitute of clothing, that no indication of their rank could mark them out for capture; and the victors reported that they did not lose one man, while upwards of 300 of the Jacobites were killed and a hundred taken.*

This may be truly counted the end of the war, though

* "A true and real Account of the Defeat of General Buchan and Brigadeer Cannon, their Highland army, at the battle of Cromdell, upon the 1st of May 1690. Edinburgh, 1690." This is merely Livingston's despatch to Mackay. Thus here, as in many other instances, we have the account of the battle only from the victors; but it corresponds with the less circumstantial contemporary notices. "Buchan," it is said, "got off without hat, coat, or sword, and was seen that day, and in that posture, in Glenlivet, very much fatigued, concealed in a cousin's house of his. Cannon got away in his

we shall see that one small fortress held out through a siege more curious than important. Some of the chiefs had been making terms for themselves, and afterwards, as we shall find, the transactions between the Government and the Highlands were too conspicuously interesting. Mackay tried a little politics as well as generalship, but he lost favour with the court. He represents himself as a man ill-used. Yet it would have been difficult for Government, seeking talent and capacity for great things, to have caressed him. We have, to be sure, his own testimony, that he was a general officer whose great merits were unappreciated by an undiscerning Government, and his descendant has expressed a belief in its truth.* This is natural, perhaps; but it is equally natural that the general who was beaten in his only battle, and who had no concern in the two successful affairs in which his party were engaged, should find his employers by no means anxious to trust their fate to his capacity. It was, perhaps, a mistake to appoint such a man to such a trust, for he says he had been thirty years out of his country, and was little acquainted with its ways. But governors are rather inclined to revenge such mistakes on the reputations of the persons in whom they have been deceived, than to visit them on their own heads. Yet Mackay had his merits. He was an honest, upright man, brave, considerate, and what was rare at that time, zealously religious without a desire to persecute those who differed with him, or exclude those with whom he partially conformed. Though his intellectual resources, as a practical leader in war, were unfortunately moderate, he had an inventive ingenuity which might be

night-gown; Dunfermline had gone from them about some business, the day before." The despatch says, that owing to the robeless state of the prisoners it is difficult to determine their rank.

* See "The Life of Lieutenant-General Hugh Mackay, commander-in-chief of the Forces in Scotland, 1689 and 1690. By John Mackay of Rockfield, Esq." 4to, Edinburgh, 1836.

almost called genius, in the design and employment of arms.*

Mackay had some sound notions about the pacification of the Highlands. He accomplished his favourite project—the erection of a central fortress there; and the influence it gave the Government showed the sagacity of one who was a better organiser than combatant. Inverlochy, the place selected, had been fortified by Cromwell, and was so much in the centre of Highland communication, that it was a sort of Celtic capital, enjoying a traditional history of fabulous grandeur.† It commanded, better than any other easily accessible spot, the communication eastward by the great glen now penetrated by the Caledonian Canal, and seaward it opened to the

* He appears, in a passage of his "Memoirs," to claim credit for one of the greatest inventions in the progress of infantry warfare—that of the fixed bayonet. It certainly was invented about that time, and the merit has, at all events, not been otherwise appropriated. The original bayonet was a sword or dagger with a solid handle, which was screwed into the muzzle after the discharge, while the fixed bayonet has a hollow annular socket. The advantage which troops possessed, who could make or meet a charge instantaneously, and reload without unscrewing the bayonet, is one of the greatest ever accomplished at one step in the art of war. Mackay had woful experience of the delay in the sudden onset of the Highlanders, who, after standing the discharge, might be said to find their opponents unarmed. The passage alluded to is this: "All our officers and soldiers were strangers to the Highland way of fighting and embattling, which mainly occasioned the consternation many of them were in; which to remedy for the ensuing year, having taken notice on this occasion that the Highlanders are of such a quick motion that if a battalion keep up his fire till they be near to make sure of them, they are upon it before our men can come to their second defence, which is the bayonet in the muzzle of the musket. I say, the general having observed this method of the enemy, he invented the way to fasten the bayonet so to the muzzle without, by two rings, that the soldiers may safely keep their fire till they pour it into their breasts, and then have no other motion to make but to push as with a pick."—*Memoirs*, p. 52.

† At Inverlochy there is an edifice commonly esteemed to be a very ancient fortress. It has at a distance, indeed, an aspect much more venerable than any of the Highland strengths, being, in fact, on the plan of an English baronial fortress of the period of the early Edwards, with its four round towers and corresponding screens. One wonders how it got there, but, when closely seen, it turns out to be a mere shell—a thin building of the coarsest rubble-work, without courses, and certainly not ancient.

Scottish isles and to Ireland. Ships of force and batteries were two arms of modern war from which the fierce Highlanders, with their primitive system of fighting, shrank with instinctive dread; and their fear seems to have come in anticipation, for they permitted the fortress to be completed without interruption. The letters of those occupied in the labour have a tone of loneliness and separation from life, which could not be exceeded from the back of the Rocky Mountains or the interior of Borneo. Provisions are expensive, and must be brought from great distances; famine may arise if friends at a distance are not attentive; the sickly season approaches; the men are dispirited in that strange, wild place, among the dark mountains, the forests, and the unknown, uncommunicative race of hostile savages. Such is the tone of communication from a spot which now swarms with London tourists.

The building of this fortress, the fate of the Irish war, and their own late reverses, taught the Jacobite army that it was useless to hold out.* As to the Highlanders, they speedily dispersed among their mountains, and the arrangement made with their chiefs became afterwards a matter of history too notorious. But there were about 150 English and Scottish gentlemen, who had followed the fortunes of Dundee, and of course adhered to the little army after he had fallen. The Government agreed that they should be honourably admitted to terms, and sent to France—the best condition for both parties, since it could not be expected, or even wished, that they should

* The persons of chief power, from territorial possessions or clan influence, mentioned in the parliamentary investigations as connected with the insurrection, are—Glengarry, Lochiel, Keppoch, Stewart of Appin, Robertson of Strowan, MacLean, the Laird of MacNaughton, Grant of Balindalloch, Sir David Ogilvie of Clova, Lord Frendraught, Lord Buchan, Drummond of Machany, Sir Archibald Kennedy of Culzean, Crawfurd of Ardmillan, Cleland of Fascine, Haliburton of Pitcur, Wallace of Craigie, Colin MacKenzie (brother of Lord Seaforth), Graham of Bauquhapple, Menzies of Pitfodels.

profess themselves good subjects of the Revolution Government. Their fate is a sad one, and has called forth many a reflective sigh.* The sufferings of those political martyrs who have been gently nourished and reared to high expectations, especially when the cause for which they suffer partakes of the same elements of fallen dignity, ever excite more sympathy than those of rugged fanatics whose apparatus of enjoyment and horizon of expectations have always been bounded, and whose stolid natures and unenlightened self-will are supposed, like the nerves of inferior animals, to be less susceptible to calamity. These poor exiles had, however, substantial sufferings and griefs. To him who has fought for his home or for a cause, the mercenary's position, even when surrounded by the splendours of military rank, and adorned by the fame of great achievements; is a fallen and miserable substitute for the substantial and satisfying motives of brave exertion. But it was not the fate of these poor men to occupy the grade corresponding with their condition—to hold that position in the ranks of war where the honours and emoluments are the greatest, and the dangers and hardships the least. When the calamities of France began, and a darkness, that seemed to be reflected by the fate of his royal brother of England, gathered round the latter days of the great King Louis, these Scots saw that there was no room for them among the poor and struggling noblesse of France. Voluntarily they reduced themselves to the rank of sentinels or common soldiers, touchingly observing, that it was right for them to undergo a change of fate and position, in some respects a parallel to that which had befallen their master. They had the satisfaction of forming a separate company, and being, in some respects, separated from the common soldiery.

* Whoever inclines to see the sentiments aroused by these and other Jacobite sufferers in sympathetic minds, finely expressed, will find his way to Professor Aytoun's "Songs of the Cavaliers."

They brought to their novel position the high spirit of their country, birth, and training; doing notable service in the campaigns in Alsace and Spain, and gaining, in the approval of their leaders, such consolation as their position permitted. But high spirit and enthusiasm could not give them the capacity to bear sordid hardship, which long familiarity only can achieve. Rapidly their numbers diminished, and it was not long ere the earth closed over the last remains of the gentlemen adventurers who followed the banner of Dundee.*

The attempt to reduce the Highlanders to order after the war, produced a signally calamitous event, which demands careful discussion. It is too well known in history by the title of the Massacre of Glencoe.

The Lowlanders of Scotland could never look upon their Celtic neighbours of the mountains as fellow-countrymen. They resented the partial encouragement which they had received from the two last kings of the house of Stewart; and, much in the temper in which colonists demand vigorous measures for ridding them of the aborigines, set forth among the grievances presented to the new monarch, "that the not taking an effectual course to repress the depredations and robberies by the Highland clans is a grievance." The king set himself seriously to its remedy, unconscious apparently of the ferocious passions thus to be let loose. He was little acquainted with the war of extermination, which had been fought against these mountaineers for three hundred years in vain; and could hardly have expected to find those who now set themselves to the task of pacifying them, prepared to try new and deadlier remedies.

An act was passed for rendering the neighbours who did not concur to repress depredations and hunt the

* See "Memoirs of Lord Viscount Dundee, etc.; with an account of Dundee's officers after they went to France."

marauders into their fastnesses, liable for the injury committed; but this had no perceptible effect. It occurred to the king's advisers that a sum of money might be well spent in this service, on the principle of rewarding and caressing those who would come under the law, and dealing more deadly retribution against those who held out. The money was to be chiefly used for two purposes—purchasing disputed superiorities, and paying a force of loyal Highlanders. The former object requires some explanation.

The Highlanders were a patriarchal rather than a feudal community, and the application of the feudal laws of a Saxon system of government to their territorial rights did not always harmonise with their usages. Thus it sometimes happened that the person whom the law of hereditary succession pointed out as heir to the territory, was not the same who, by patriarchal usage, was indicated as the successor to the chiefship of the clan and the other patriarchal honours connected with the territory. Hence the law sometimes told for one competitor, clan-usage for another,—a fruitful source, it must at once be obvious, of angry animosities. The patriarchal usages counted the chief the commander of the people living on the land. The feudal law counted him the owner of the land itself, and made him hold it of the monarch. It thus occurred that on occasion of forfeitures for crime and other incidents, the lands, or some feudal rights connected with them, fell by law into the hands of the king, and stood at his disposal. If this disposal happened to be at variance with Celtic usage, and in a different direction from the homage of the clan, it was an immediate source of hostility, for he who had his right directly from the sovereign, would, of course, try to make it good, while the clan would oppose him as a usurper. In many instances the slip of parchment with the royal seal, thus invested with feudal superiority

some one who, as the hereditary enemy of the clan, dared not set foot within the territory called his own. As one instance, at this very juncture the Earl of Argyle had a right of superiority over territories inhabited and possessed by the MacDonalds, the hereditary enemies of his house. To be counted the vassals of the hated Campbell would be felt by their proud spirits as the bitterest of all human degradation, yet the law of the Edinburgh College of Justice so defined them. Even if there were no such hereditary hatred to influence the connection, the feudal superiority of one chief over another made divided responsibility, and sometimes concentrated formidable influence in one house. It was wisely believed that the purchase of these rights, so that each chief might hold directly of the crown, would be conducive to the peace and good order of the Highlands.

The payment of Highland troops was a more doubtful question. Could the common people's allegiance be transferred from their chiefs to commissioned officers, more truly faithful and devoted soldiers nowhere existed. But the very simplicity and fulness of their allegiance made it untransferable. As to the chiefs themselves, they were equally unpurchaseable, but from a totally opposite cause—their entire incapacity to understand the nature of allegiance, or to consider any other motive but ambition and the chances of employing their power to achieve some self-aggrandising object. To place them at the head of their clans in the capacity of military officers, would thus be to train soldiers at the expense of King William, to be put at the disposal of King James when a suitable opportunity occurred. The Earl of Breadalbane, who had abundance of sagacity, however ill he applied it, suggested as the best means of solving this difficulty, that a capital sum should be funded, the chiefs receiving the interest of it as payment. The funding of the capital would thus be an assurance of

the perpetuity of their source of reward, while they would live in the consciousness that it would immediately cease to flow in their direction if their allegiance became doubtful.*

This coroneted chief was the person through whom the government negotiated a treaty with the Highland chiefs. His connection as a Campbell might be supposed to attach him to the Revolution government, while his territory stretched into the heart of the Highlands, and was nearly surrounded by those of formidable Jacobite chiefs, with whose secrets he was known to be deeply familiar. A contemporary says of him: "He is as cunning as a fox; wise as a serpent; but as slippery as an eel. No government can trust him but where his own private interest is in view."† He is not the only one among the Highland chiefs possessing, through their rank or riches, a political position at court, whose character has confounded all ordinary rules and estimates. Those who live only in one kind of society, have not data by which to understand fully the natures of men who vibrate between two totally distinct from each other. To find types of the political cunning and ruthless savageness that so strongly meet in such natures, we would require to look at the Runjeet Singhs or Ali Pashas of later days, or at those oriental potentates who create so mysterious an interest in fashionable circles by the atmosphere of terrific crimes from which they have stepped into civilised life. A sum of money was placed at Breadalbane's disposal. It was said to be as much as twenty thousand pounds, but the exact amount has not been ascertained. He entered into no accounting, and was naturally charged with misappropriation and pecula-

* Proposals offered by the Earl of Breadalbane.—Papers illustrative of the Political condition of the Highlands, 1687–1696, printed for the Maitland Club, p. 55.

† Memoirs of the Secret Services of John Macky, p. 199.

tion.* The king directed particular attention to Sir Donald MacDonald, MacLean, Clanranald, Glengarry, Lochiel, and the MacKenzies, and in a letter to Lord Tarbat, he authorised the person, whoever he might be, who should conduct the negotiation, to offer a sum not exceeding £2000, or a dignity under an earldom, to any chief whose allegiance it might be necessary to buy at so high a price.† The authority to Breadalbane to conduct the negotiation was dated 24th of April 1690. To bring to bear upon the operation the threatening counterpart to the bribe, a proclamation was issued in August, requiring all the chiefs to swear the oath of allegiance in the presence of a civil judge, before the 1st of January 1692, threatening those who failed to do so with the penalties of treason, and of military execution upon their lands. The ferocious name of the writ by which it was to be executed, called letters of fire and sword, had nothing in it to startle the ear, although it was known to infer military execution in its most appalling form. Letters of fire and sword had been so ceaselessly issued against the Highlanders, that in the time of the Stewarts it was a usual and little noticeable form. Any one who by reason of his estates being ravaged, or for any other cause, had a deadly feud with a Highland clan, readily obtained this license of extermination against

* According to a tradition preserved by Dalrymple, when asked to account, he answered, "The money is spent, the Highlands are quiet, and this is the only way of accounting among friends." He afterwards stated that besides the money intrusted to him, he had laid out £2000 sterling, of which he demanded repayment.—*Papers on the Condition of the Highlands*, p. 55.

Colonel Hill, writing from Fort-William to Lord Melville, on the 26th of June, says: "Breadalbane is the manager, and hath met with MacLean, Lochiel, and some others; but I find he hath done nothing with them. They (especially his cousin Lochiel) will not trust him. He tells them the money he has for them is locked up in a chest at London; but they believe (if he say true in that) he will find a way to keep a good part of it to himself."—*Melville Papers*, p. 620.

† Melville Papers.

them, on payment of the usual fees, if he were not a person obnoxious to the government.

In what exact terms Breadalbane conducted the negotiation, was a secret which went little beyond the bounds of his own bosom. It was remarked by those who brought information of the motions of the principal chiefs to the governor of Fort-William, that they occasionally made secret and solitary journeys, "across the braes," as the great range of the south-western mountains was called, to Kilchurn, Breadalbane's peninsular fortress on Loch-awe. He held at least one great conference with the assembled body at a place called Achallader, within his own territory. Of the tenor of the negotiations, however, it is only known that the chiefs at first refused to rely on him; and it appears that, down to the end of October, the main body were still suspicious, and had not come to terms. But, however the effect was produced, before the end of the year Sir John Dalrymple saw, not without alarm, that the chiefs were flocking to comply with the proclamation. He enjoyed a horrible hope that a considerable number of them would hold out, and thus afford an excuse for their extirpation,—the policy which he deemed the best towards the mountaineers. It is very likely that they obtained the clue to his tactics, and resolved to thwart them by taking the oath; however it occurred, there was a remarkable unanimity in compliance.

Oaths of allegiance are the most treacherous of all political securities. Those who are loyal need them not, and enemies only take them to hide their intentions. It was said that Breadalbane told the Highlanders he was working for the interest of King James; and we find him very bluntly charged by Colonel Hill, an honest old soldier, with having so managed matters that the chiefs did not conceal their view of the oath, as a means to strengthen their hands for the cause of their exiled

master. Every Scottish statesman knew, that if an opportunity came for a rising, the chiefs would laugh the oath to scorn; and Dalrymple remarked, that the only real use of it was to convey an impression abroad that the chiefs were really reconciled to the Government. It was, indeed, of more service by indicating secret enemies than making friends; for some chiefs who professed to be zealous for the Revolution—and, among others, Breadalbane himself—thought fit to take the oath for the sake of the indemnity, and had doubtless their own sufficient reasons for such a precaution.*

Sir John Dalrymple was much annoyed on finding that the chiefs were coming in with most cordial unanimity. He alludes to it in his letters, as a beaten politician might to a well-devised project which has been baffled. He seems to have narrowly watched the bearing of the scheme; and he was so earnest for the fulfilment of his views, that his correspondence betrays the extreme vexation with which he saw the area of alienation narrowed, so that a wholesome and extensive slaughter for non-conformity seemed every day to be less probable. Appin, Keppoch, Clanranald, Glengarry, Lochiel—all the most powerful chiefs—had come in with the heartiest good-will to take the oath, which they had not the faintest intention of keeping, and went home to laugh at, telling the duinhe-wassails, or gentlemen of their clan, that they had been at the performance of a farce. There was a secondary chief, however, MacDonald of Glencoe, who had not, apparently to the last moment, taken the oath. Dalrymple expressed his satisfaction that his project would not be utterly fruitless, as at least one small body—

* Dundee, in a letter to Lord Melfort, describing his resources in the Highlands, says very characteristically—"Earl Bredalbane keeps close in a strong house he has, and pretends the gout."—*MacPherson's Papers*, i. 363. He was compromised, as we have seen, by the confessions in Montgomery's plot.

an offshoot of a larger clan—was likely to be sacrificed. The slaughter was far within the limits of his hopes and expectations, but it was something which made his plan not an utter failure. Like men who have only gained a part of what they aim at, he magnified the value of the part; and during the time when he believed that the leader of the Glencoe men had not taken the oath, we find him explaining how, if there were any small body of men in the Highlands whom it would be, above all others, desirable to sacrifice, these are the men, for they are not only adherents of the exiled house, but MacDonalds, thieves, and papists. It appeared, therefore, to the Secretary that there was a prospect of their being presently destroyed, when a rumour reached him that MacDonald of Glencoe had taken the oath. He could not conceal his anger and vexation at so untoward an event. When he afterwards learned that there was a flaw in the transaction, he expressed a joy which might be called fiendish, and set himself busily to take proper advantage of the opportunity.

We may now turn to the unfortunate clustre of families on which the secretary of state had set his eyes as scanty, but valuable victims. The MacDonalds of Glencoe were scarcely admitted to the rank of a great power in the Highlands. They were not numerous enough to be a principal clan, and yet they seem not to have been considered a mere branch of the great MacDonald nation. There was a somewhat minute but practical distinction between the rank of their leader, and that of the heads of great houses. At so late a time, Lochiel or Glengarry would not have thought it consistent with his dignity to head a "creach" or raid into the Lowlands to "lift," or, as it is now called, to steal cattle. They knew that their followers lived by this pursuit, but they did not bear a hand in it personally. MacIan of Glencoe had not sufficient rank to place

him above setting his hand to the occupation pursued by his followers; and he took an active part in the depredations of his small body of dependants.* He had, however, a position of some importance in Dundee's army, from his age, sagacity, and considerable following.† The district in which his people lived had remarkable physical characteristics, which have united themselves in undying association with the tragedy perpetrated on the spot. If Dalrymple and Breadalbane had dreamed of the influence of striking scenery in perpetuating the memory of political crimes, they would have sought any other place than this grand mountain solitude for the execution of their cruelty.

The tourist in Glencoe finds himself in a singularly solitary road, with conical mountains rising on either side, nearly as abruptly as the Aiguillettes of the Alps burst out of the coating of snow. There is a narrow strip of grazing ground between these Alpine walls.

* English writers have naturally been puzzled by finding the chief called alternately MacDonald and MacIan. MacIan means the son of John; and it seems to have been the practice of the Highlanders, when a very distinguished man arose in a family, to give his descendants a surname from his Christian name,—or from that which, among the Celts of that day, had the closest analogy with what we now call a "Christian name." Thus the descendants of Donald were called MacDonald; but when a distinguished person arose among them called Ian, rivalling the fame of Donald, *his* descendants were called MacIan. Of "the clan Ian Abrach of Glencoe," Mr Gregory, the highest authority in such matters, says—"The founder of this tribe was John, surnamed Fraoch, natural son of Angus Og of Isla, and brother of John, first Lord of the Isles. His mother is said to have been a daughter of Dougal M'Ilenry, then the leading man in Glencoe, where John Fraoch afterwards settled as a vassal under his brother, the Lord of the Isles, and where his descendants yet remain. The early history of this family is very obscure."—*History of the Western Highlands*, 66, 67.

† This old chief is frequently mentioned in the evidence taken in the process of forfeiture against the representatives and followers of Dundee. He secured, according to one of the witnesses, a buff coat at the plunder of Edinglassie, which appears to have been so important an acquisition and remarkable feature of his costume, that it is repeatedly mentioned by the witnesses in general, along with a "brass blunderbush," which he probably obtained in the same manner.

There are a few, still narrower, scattered here and there in the upper levels, whence start the scaurs and mural precipices. He remarks the absence of population, as he passes, after a series of miles, a solitary farm-house, and one or two shepherd huts. This solitude naturally associates itself with the tragedy of which he has heard. But to the historical observer it may call forth the question, Since the means of subsistence in this wild spot are so scanty, how, when there was a considerable population there, did they subsist? In equally arid districts of the Jura, we find a population subsisting by the making of watches; but we know well that neither this nor any other productive occupation fed the MacDonalds of Glencoe. In short, they lived by plunder, and were, with the exception of the MacGregors, who had been nearly exterminated, the most accomplished and indomitable freebooters within the circuit of the Grampians. If they had not lived on the reft produce of other people's industry, their arid glen could not have supported the population which made the massacre a considerable feature in the history of the seventeenth century.

As the end of the year drew nigh, the chief of Glencoe found himself standing out alone; and probably hearing of the signal vengeance preparing against him, he was thoroughly frightened, and made a desperate effort to offer the oath at the last moment. He thought, naturally enough, that he could not be wrong in tendering his allegiance to the military commander of the new fortress erected to overawe the Highlanders, and he went to Fort William, and tendered the oath to Colonel Hill. The colonel could not receive it. The nearest officer who could accept and certify it was the sheriff of Glencoe's own county, Argyle, who lived near Inverary. With a letter of protection, and an earnest appeal to the sheriff, from Colonel Hill, the old chief set off to cross about eighty miles of the wildest mountain land in Scotland,

in the dead of winter. His son described him as pursuing the journey so earnestly that though he came within half-a-mile of his own house, he would not turn aside to enter it—a statement hardly credible. With all his efforts he could not reach his destination before the fatal day had passed, and he had to wait a day or two for the sheriff, who was absent. This important local officer, who was of course a Campbell, hesitated at first to receive the oath, but was induced by the old warrior's entreaties and tears to certify it. It stood on the roll with the other oaths given in for the county, and this roll was transmitted to the Privy Council. The clerks were in doubt whether they could receive an oath dated after the last day of grace. Some Privy Councillors, of whom Dalrymple was one, were consulted on the difficulty, and the tendency of the discussion was ostensibly to find how Glencoe could be, in proper form, permitted to reap the advantage of his accidentally tardy submission. There was, however, at least one among them, who had totally different views. In the end it somehow occurred that the roll was returned to the clerks with the portion relating to Glencoe scored out; but as to who had done this, it could only be guessed, from Dalrymple's subsequent conduct, that he was the man, and that if the scoring was not done by his own hand, it was to fulfil his views. The commissioners who saw it in 1695, "found it was not so delete or dashed but that it may be read that Glencoe did take the oath of allegiance at Inverary, the 6th day of January 1692."

The final tragedy was now resolved on. The letters of Breadalbane, Dalrymple, and one or two others in the secret, have a very fiendish appearance. They speak about mauling them on the cold long nights when they cannot live on the mountains—about not troubling the Government with prisoners—seeing that the old fox and his cubs do not escape—about striking the blow silently

and secretly, otherwise the victims may flee to the mountains—and the like. To carry out the plan, the old well-established resource of clan animosity was appealed to. For ages even before the horrible exhibition on the North Inch of Perth, it had been the policy of the Government to set these unruly septs against each other. It was in every respect the most easy, simple, and economical method of destruction; and the deadly hatred which neighbouring clans had to each other was sometimes piously viewed as a wise dispensation of Providence, like that which provides for the destruction of one noxious animal by the enmity it inspires in another. The conduct of the affair in hand required so much treachery and duplicity, that nothing but clan-hatred could supply the necessary amount of these vices. The Campbells were the natural enemies of the MacDonalds, and they had been embodied in an independent regiment, which gave them the means, as they possessed the hearty will, to execute what was desired. Towards the branch of the MacDonalds who lived in Glencoe, the Campbells had a special ground of hatred. Their inaccessible mountain fastnesses protruded, as it were, into the Campbell country, and were in that shire of Argyle which they loved to consider entirely their own. Glencoe was thus invested with all the hatred of a hostile frontier fortress; and these mountains, raising their conical peaks above their neighbours, were contemplated by the followers of MacCallum Mohr as Gibraltar is by the Spaniard. The Campbell territory, more productive than that of the MacDonalds, was often mercilessly ravaged by the banditti of this stronghold, and at the conference which Breadalbane held with the chiefs as ambassador, he had high words with Glencoe about stolen cattle—the main source, besides clan rivalries, of Highland bloodshed.

The person to whom the bloody work was destined,

probably on a full knowledge by his superior, Breadalbane, of his discretion and capacity, was Campbell of Glenlyon. He was connected with the Glencoe family by alliance, for one of the chief's sons was married to his niece, the sister of Rob Roy, but between such hating opponents as the MacDonalds and the Campbells, matrimonial unions often only gave a special edge to the existing malignity.*

Campbell acted under the special instructions of his superior officer, Major Robert Duncanson, a person no less a member of the clan Campbell than himself, though he did not bear the family name.† It was on the 1st of February that Campbell appeared, with 120 men, at

* Highland history is crowded with incidents, which, in modern phraseology, would be stamped as treachery, but in the social system of the actors, passed for dexterity. There were sanctions among the Highlanders, which, of course, it was infamy to break through, such as swearing on the dirk; but if these were avoided, a plot for the destruction of a feudal enemy was deemed a service to the clan, and its morality, like Spartan theft, was estimated by its success. If it were effective, it was a thing to glory in rather than be ashamed of; and the censures of a totally different school of morality and honour, would fall as lightly on the perpetrators as on the American braves who are returning in triumph from the extinction of a hostile village, man, woman, and child. Perhaps one of the most eccentric of the Highland incidents of deep-plotted vengeance, is that of MacLean of Dowart and MacIan of Ardnamurchan, in 1588. Dowart encouraged a mercenary project of marriage between MacIan and his mother, the dowager lady of Dowart, who was rich and influentially connected. He had no other object but to get the flower of the clan at his mercy. The followers who came to the wedding were slain. MacIan himself, if we may believe some accounts of the matter, was reserved to afford his enemy the luxury of being daily tortured.—*Gordon's Earldom of Sutherland*, p. 191; *Gregory's Highlands*, p. 238.

† It was sometimes deemed expedient, at others not, that the secondary families attached to a great clan should bear the chief's patronymic. The name Robert Duncanson at first suggested the idea that the major was a Lowlander, and that to him the feeling of clan animosity cannot have applied. It appears, however, that a family of that name was part of the clan Campbell. In the records of the Justiciary of Argyle, the name occurs frequently in the lists of the jury, in which none but staunch adherents of MacCallum Mohr would be permitted to act. But further, at the period of the massacre, a Robert Duncanson was procurator-fiscal of the justiciary of Argyle, and this was probably the same person who, as a major in the regiment, issued the instructions for the massacre. The Duke of Argyle's Court of Justiciary

the mouth of the pass. The chief's son went with twenty followers to demand an account of their intentions. They pronounced them peaceable and friendly; they had only been sent as a part of the regiment which the Duke of Argyle had raised among his friends and clan, to quarter there, because the new fortress at Fort-William could not accommodate them. They were received with open cordiality and reliance. This may seem inconsistent with the suspicion attending clan enmity, but there is no doubt that the MacDonalds trusted, not to their visitors, but to the Government orders. The boa-constrictor might as well be expected to visit the tiger's den as a minister of peace, as the Campbells to go in force into the country of the MacDonalds, without bloody intentions. The Glencoe people never would have relied on the protestations of the Campbells, but they did rely on the intentions of the Government.

We have the details of the tragedy solely on the testimony of the two sons of Glencoe, who were examined by the Commission of Inquiry. It may be considered that they gave their own peculiar colouring to the details; but its influence, let us deem it as exaggerated as it can be, is scarcely perceptible in the deep general shades that darken the whole picture. They described the men, and especially their commander Campbell, as enjoying the cordial hospitality of their clan, and there is little reason to doubt this, for the Highlander, like the Arab, attached an almost sacred importance to the guest participating in his bread and salt. The young MacDonalds said that Glenlyon took his morning drink of usquebah, or whisky, daily in their house, and that on the night before the massacre he sat there playing at cards.

had the same authority within its range, as the High Court of Justiciary, or supreme criminal tribunal, exercised over the rest of Scotland. The procurator-fiscal was the chief law-officer of this supreme hereditary court, and acted within its jurisdiction as the Lord Advocate did elsewhere.

The slaughter was adjusted to external operations for stopping the passes, and cutting off all retreat, by troops from Fort-William. To suit this arrangement, Glenlyon received instructions to act early in the morning of the 13th of February. It does not appear that the men under his orders were let into the mystery, and as they were not all Campbells, with a hereditary hatred to the people they lived among, it is not in human nature that they could have kept so dreadful a secret. The first step was taken by Lieutenant Lyndsay coming between four and five o'clock, with a party, to Glencoe's house, which, it is apparent, was not a fortified place like the houses of Glengarry, MacLean, and the chiefs of great clans. Mac-Ian got out of bed to show them hospitality, and was shot dead while he was dressing himself. His wife was used with cruel indignity, and died next day by what she had suffered in herself and others. Two followers, who were in the old chief's house, were killed, and a third left as dead. Ian, or John, the eldest son, had caught alarm by an appearance of activity among the Campbells, and going to Glenlyon's quarters, he found them arming for active service. Glenlyon himself soothed him; said that they were going to march against some of Glengarry's men, and perfidiously alluded to their connection as a reason why the young man should discard all suspicion. He went to bed, but some misgivings prevented him from sleeping, and hearing shots, the whole scope of the treacherous project burst on him at once, for it had only too close a resemblance to previous incidents in the clan conflicts, and he fled instantly up the brae without seeing to the safety of his kin. His brother, Alexander, was awakened by a clansman calling to him, "Is it a time to be sleeping, when they are killing your brother at the door?" and he, too, having an instantaneous divination of the whole plot, fled to the hills. It is useless to descend to particulars. Thirty-eight people were slain;

and they did not entirely consist of men able to bear arms, but included at least one old man, a woman, and a boy.*

This turned out to be, in a political sense, a mismanaged affair. The slaughter was far less than it had been intended to be—the manner of it unfortunately conspicuous and dramatic. A party of four hundred men from Fort-William were under orders to shut the mouths of all the passes from Glencoe; but a winter storm intercepted them, and not only the old chief's two sons, but apparently from twelve to fifteen times as many as the number killed, escaped to the mountains, where they prowled about until they made terms with a government which would gladly, for its own sake, have undone what had been done towards them.

Those who could lay this calamitous history at the door of an enemy had no occasion to exaggerate it. They required merely to authenticate what, in places where the previous history of the Highlands was unknown, at first passed for a wild and preposterous exaggeration. In England it made people hold their breath with wonder. In France it was received with indignant joy, and every scrap of information bearing on it was published by royal authority, and circulated over Europe, as an event characteristic of the paternal government of the revolution king. To those who had been charged with the cruel religious persecutions of the preceding reigns, it was of infinite value as a means of effective retaliation.

Sir John Dalrymple, who was then in London, was perplexed, surprised, and annoyed by the views people

* Of the boy, said to be between four and five years old, only the hand was found. It scarcely affects the guilt or horror of the general act, to suppose it probable that he may not have been killed, but may have wandered in the snow, died of hardship, and been eaten by beasts or birds of prey.

thought fit to take of this matter. Not the powerful, respected, and pious slave-holder of Carolina, when, emerging from his own circle, he has first heard an emancipist call him a robber of the worst kind, nor the hard-working conscientious law-lord, when, after laboriously carrying an act to make it death to steal five shillings in a dwelling-house, he is called a murderer by an abolitionist of death punishment,—could be more astonished than the Secretary of State when he heard the terms in which his meritorious services to the Government in the affair of Glencoe were attacked. All that he had to regret about it was that the project had not been fully successful, that it was in fact a failure. Much indignant language has been piled on the memory of this statesman, in efforts to prove that he indulged and tried to execute designs suggested by deep personal malignity against the MacDonalds of Glencoe. He had, in truth, no more malignity against them than the surgeon has against the limb he thinks fit to amputate. His letters are supposed to show a savage spirit of revenge and cruelty—a horribly sportive avidity in his demands for blood. It is true that other documents connected with Highland slaughters are generally in a more stolid shape, not because the writers were more merciful, but because they were less exuberant in their style. The letters, which horrify us by their savage playfulness, were written in his ordinary manner; for his correspondence in general is noticeably readable from its rich array of familiar easy figures, and its masculine carelessness in the handling of the difficult and dangerous subjects which make most men write gravely and cautiously. He expresses no feeling of malignity against the Glencoe men or any other Highlanders. Writing seriously to a friend, he says,—"I believe you will be satisfied it were a great advantage to the nation that thieving tribe were rooted out and cut off." He notices

the fact that the Islesmen deserve more kindness than the Highlanders of the Mainland, because they are not thieves; indeed, as they could not easily convey cattle to their homes, their branch of the predatory pursuits of their race required to be abandoned when piracy was abolished in the British waters. The Secretary sometimes excites Breadalbane with luxurious prospects of vengeance to whet his appetite, but there was evidently no feeling of the same kind in his own breast. In truth, he only pursued the old policy of Scottish governments against the Highlanders. It was true that in some instances the last sovereigns of the Stewart race had tolerated, nay, even caressed them, employing them in raids against the Lowland Covenanters; but their conduct was deemed base and unnatural, and encountered such censure as afterwards fell from the lips of indignant genius on the employment of native Indians with all their cruel and treacherous practices in the European conflicts in America. The rule had always been to show no more consideration to Highlanders than to wild beasts.* The previous Stewart kings would have put every human being who spoke the Gaelic language to death had it been possible, as, to their great mortification, they found it was not. James VI., for instance, made a bargain with Argyle in the south, and Huntly in the north, to "extirpate the barbarous people," each

* On the light in which a military man on service in the Highlands at that time looked on the lives of the natives, take the following from Sir Thomas Livingston to Colonel Hamilton:—"Edinburgh, 26th February 1692. I received yours of the 18th, wherein you give me an account that you have taken some Lochaber men prisoners. I do wholly approve of your conduct in that business, only I must say it was a mistake that these villains were not shot in the place where they were found, seeing that the taking of them is but a burden to the government, and at last they either break out or are set at liberty; so that if you form any more parties, as freely you may do if you find good occasion, let no prisoners be brought in, but let them be despatched in the place where they are found, for such robbers and thieves are not to be treated as regular enemies."—*Papers on the Condition of the Highlands*, 74.

taking his department and fixing a time within which the thing was to be accomplished, but it was found that it could not be done. Cromwell would have followed the same principle had he found it necessary, but his fortresses and military system, and his sagacious policy in ever checking the power of the chiefs and letting the humbler people alone, kept the Highlands quiet. He never shed blood except for an object, and he found one in Ireland, where, among his extensive slaughters, the affair of Glencoe would have seemed a bagatelle.* If there is anything in the undoubted spirit of extermination with which our ancestors viewed the Celtic races to excite disgust, let us look at the notions which our American, African, and Australian colonists form at this day of the value of the lives of any given number of "black fellows," when compared with the advantage of preserving industry and property.

Certainly not the least remarkable incident in the affair is, that it should have called on a virtual parliamentary inquiry—an investigation by a royal commission, appointed to supersede that which would have been made by the Estates of Parliament. That this body should really deem it necessary, or even decorous, to inquire into the fate of a few Highlanders, was a step

* The principle which guided Dalrymple to everlasting odium is the same that conferred on Cromwell his "marvellous great mercies," and has called forth the high applause of a distinguished modern author. All the Irish operations are on a more brilliant and bloody scale than Highland massacres can boast of. It is an odd coincidence between the treatment of distant barbarian races in the present day, and that of our own Celtic population in the seventeenth century, that Ludlow describes very coolly, and with an eye to approval, the smothering of some wretched fugitives in a cave, in the manner which brought disgrace on a French officer in Africa. It was a tedious and bungled affair, for after it had gone on for some time, he found "that though a great smoke went into the cavity of the rock, yet it came out again at other crevices, upon which I ordered those places to be closely stopped, and another smother made. About an hour and a half after this, one of them was heard to groan very strongly, and afterwards more weakly, whereby we presumed that the work was done."—*Memoirs*, 3d edition, i. p. 364.

in civilisation, and a hopeful symptom of the influence of the free parliaments and open system of debate introduced by the Revolution. But perhaps something might detract from the estimation of that assemblage, could we decide exactly how much of their feeling was prompted by humanity and justice to the Highlanders, and how much by hatred of Secretary Stair. It was said at the time, that the run on Dalrymple was headed by his colleague Johnston, from a desire to be sole secretary, and to push out of power a colleague not sufficiently devoted to the Presbyterian party.* But Johnston himself had not a devotion towards it sufficiently sincere to justify an act of malignant rivalship; and the rooted dislike entertained against the Secretary by a large portion of the Estates, is sufficient to account for whatever proportion of the proceedings were rather directed against him than in favour of justice and humanity.

After the commissioners had made their inquiry and reported, the Estates addressed a memorial to the king on the 15th of July 1695. They found that the inferior instruments in the outrage were beyond their reach, being engaged in the war in Flanders. They did not directly impeach Sir John Dalrymple of high treason or any other crime, but they severely censured him, and begged that his majesty would give such orders concerning him as he might deem necessary for the vindication of his government. Lord Breadalbane was charged with high treason, but was not brought to trial; and no one was subjected to direct punishment, as a criminal, for any share in the massacre of Glencoe.

* Secretary Johnston was a son of the celebrated Covenanting leader, Johnston of Warriston, and he was nearly as able a man, but certainly not so sincere. He professed to be a zealous Presbyterian, and attached his fortunes to that cause; but his private correspondence, which has been pretty abundantly preserved, has a tendency which his clerical friends would have condemned as profligacy, and ordinary readers of the present day would call levity, at least.

An imperfect impression of the influence of this event would be left, were it not mentioned that a greater name than Breadalbane's or Dalrymple's has been compromised in it. The Highland chief would act after his kind, and indulge himself, when he could, in the luxury of revenge —the Scottish statesman might act as Scottish statesmen had unfortunately done for ages before him, and show a conventional unconsciousness of any value existing in a class of human life which, from his earliest recollections, he had been taught to deem despicable. But if a far-seeing and deeply-judging prince, coming from another land, where there was no pariah race deemed worthless both in life and death, and where the people were proverbially careful of life and property,—if such a person deserted his nature and habits so far as, for the mere furtherance of his own ambition, to countenance, suggest, and urge on the slaughter of these poor Highlanders, his guilt would assume a deeper aspect. The executors of the deed said they acted under the royal authority—said, indeed, that they were in performance of a service very acceptable to the king; but their word does not deserve to be taken. In the proclamation of indemnity, the king required all judges and officers of the law "to interpret this indemnity in the most favourable and ample manner"—an instruction which certainly had been signally scorned. To connect the king himself with the design, there was one sentence in a letter of instructions which has obtained ample publicity. It is in these terms:—

"If M'Kean of Glencoe and that tribe can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves."*

This paragraph has been repeatedly published, as if it

* From the papers on the condition of the Highlands, printed by the Maitland Club (p. 65), where the most correct version of all the documents on this affair will be found. The commission noticed that the date, "16 Jany. 1692," was "marked by Secretary Stair's hand."

were an entire document. It is only the concluding paragraph of a long letter, which is remarkable in having the king's signature both above and below. Burnet tells us that it was not his habit to read over the documents presented by his secretaries unless they related to ecclesiastical matters, in which he was always afraid of their running on rocks, or to great questions in diplomacy. It would be too narrow a view of the question, perhaps, to found on this, or on the fact that King William was imperfectly acquainted with the English language, and might not readily understand that the word extirpate predicated putting to death.* Perhaps, too, it would be hardly worthy of King William's reputation to rest on the decision of the Scots Estates, which, at a time when they were far from favourable to him, found that the king's instructions did not justify Sir John Dalrymple's proceedings.

But, in truth, it is useless to enter on such a discussion. The best that can be done for the cause of truth, is to give the facts abundantly and accurately. The character of the revolution king is one of the questions which political passion and partizanship have not yet let go, so that reason may take it up. And with those who believe that, by the very act of his heading the revolution which drove forth the Stewarts, he was the man to order and urge on the murder of an interesting and loyal clan, it would be quite useless to discuss the question on the ground of rational probabilities.

Those who escaped the massacre fled northward to the mountain fastnesses of their MacDonald kinsmen. Whatever spirit of vengeance they may have spread among

* The old warrants for the destruction of Highlanders were wont to be of a character which left no room for criticism or cavil. Thus, the king's letters in 1528, commanding the Earl of Murray and others to pass on the Clan Chattan, empowers the holders "to invade them to their utter destruction, by slaughter, burning, drowning, and other ways, and leave no creature living of that clan, except priests, women, and bairns."—*Miscellany of the Spalding Club*, ii. 84.

their allies was futile; for the garrison at Fort-William, and the Argyle regiment on the other side, checked any immediate retaliation. It was not the Highland fashion to cry out against oppression, or appeal to public sympathy; and the scattered clan, instead of demanding justice, humbly besought the mercy of the crown as criminals, and were permitted to return to Glencoe on finding security to live like the other subjects of the realm, and abandon pillage.* Unconscious of the greatness of the crime by which they suffered—because, in the ferocious social system in which they lived, they knew nothing of the moral obligations incumbent on a higher civilisation—they doubtless were much astonished when they found themselves objects of national and even of European interest, and saw parliamentary parties seeking influence and eminence by the advocacy of their cause.

After the "pacification," as it was termed, the Highlanders, no longer required in political warfare, resumed their old clan feuds. To be at peace, unless they were disarmed and overawed, was not in their nature; and neither the law nor the military power of the nation was then on a scale sufficient to have accomplished these ends. We even find those chiefs who had ingratiated themselves with the Government, obtaining, though not so readily

* In Inverary Castle there is one of the bonds of surety by which Sir Colin Campbell of Ardkinglass answers for John MacDonald of Polveig, and Alexander MacDonald of Auchtriachtan, two considerable men of the clan. It states that, on the solicitation of Colonel Hill, his majesty had granted pardon and remission to the people of Glencoe, allowing them liberty to return and dwell in their old habitations, upon the condition that, for the future, they shall carry themselves peaceably, honestly, and abiding by the laws as their majesties' other subjects. The surety becomes responsible that they "shall not of themselves, or others of their causing, sending, or hounding out, commit any depredations, hershipps, robberies, theft, reset of theft, or other crimes." A Campbell thus standing good for MacDonalds is an uncommon occurrence. Sir Colin was the sheriff of Argyle, who took the oath from old MacIan, and perhaps he thought that the hard usage they received should entitle them to sympathy, even from a hostile clan.

as formerly, the writs known by the savage name of "letters of fire and sword" against their enemies. These were licenses for civil war, giving the sanction of government aid and encouragement to one side in the conflict. They authorised the favoured clan to burn, waste, and slay, far and wide, within the territory of their enemies, setting forth—such were the words of style used by the clerks of the Privy Council who prepared these terrible documents—"that whatever slaughter, mutilation, blood, fire-raising, or other violence" may be done by the persons holding the letters, shall be held "laudable, good, and warrantable service to his majesty and his government." There is little doubt that the readiness with which these warrants were issued in earlier times, arose from the view that it was a good thing to encourage the Highlanders in slaying each other, and doubtless, even for a few years after such an event as Glencoe, such a feeling would linger in the usual official quarters. Though it was professed that no one could obtain letters of fire and sword but a litigant who could not enforce his just claims, it would be generally a vain task to examine the relative merits of the two sides, expecting to find one of them in the right. Any mitigation which the horrors of such a system may have received in later times, would be from the garrison of Fort-William being associated in arms with the holders of the letters.

In at least two instances, this savage writ was granted by the Privy Council after the affair of Glencoe, and before the accession of Queen Anne. Both instances are instructive of Highland habits. In the one, the fortunate obtainer of the letters of fire and sword was the laird of MacIntosh, who had aided Mackay; the victim was MacDonald of Keppoch, the ally of Dundee. The MacIntoshes had obtained charters, covering a considerable district of country, from the Lords of the Isles, when they were aiming at a Celtic sovereignty, and encourag-

ing their supporters. By some means, after the ruin of this embryo kingdom, the MacIntoshes had got their charters confirmed at Holyrood. These investitures stretched over territories which had long been in the absolute possession of the MacDonalds, whose fierce spirit would neither admit the rights founded on slips of parchment, nor brook the insult of their assertion. And thus, in more than one form, the clerks of the Chancery, or of the Privy Council, pursuing their quiet occupation in Edinburgh, sent the missives of devastation and slaughter into the Highlands.*

The other instance was equally significant. The Lord Lovat had died, and left his property, according to Lowland Scottish law, to an only daughter. But it was seldom that a female succession could be carried into effect in the Highlands, unless the heiress were imme-

* On the 22d of February 1698, MacIntosh complained of the abortive result of all his efforts to obtain restitution from Keppoch, of what he called his own "Lands of Keppoch, Glenroy, Glenspean, and his other lands on the Braes of Lochaber;" and having gone through the preliminary process of putting all his opponents of the clan "to the horn," denouncing them as fugitives and outlaws, and obtaining utterly futile letters of caption, or warrants to apprehend them, he now demanded letters of fire and sword. As the process had not been exemplified for such a private patrimonial object for some years, there is some reasoning in the minute on precedents for this species of writ during previous reigns; and as "his majesty is pleased to declare that it is below the justice of the government that any of his loyal subjects should be disappointed of the benefit of his laws"—and as, in fact, this is but a renewal of previous letters of fire and sword, granted to the same applicant on previous occasions—the awful warrant is issued to MacIntosh and his followers, along with the governor of Fort-William. They are jointly empowered "to convocate our lieges in arms, and to pass and search, seek, follow, hunt, take, apprehend, imprison, or present to justice—or, in case of resistance, hostility, or opposition, to pursue to the death—the said Coll. McDonald, and haill persons, outlaws, and fugitives, and such persons as shall associate themselves to him or the saids outlaws, or resist the execution of this our commission." If they retire to strongholds, the pursuers are authorised to "assiege the said houses or strengths, raise fire, and use all force and warlike engines that can be had for winning and recovering thereof." This document was accompanied by "Letters of intercommunication," denouncing as rebels all who gave assistance, by affording refuge, food, or shelter to the denounced MacDonalds.

diately married to some redoubted warrior and statesman of the clan. Simon Fraser of Beaufort, better known to infamy as Lord Lovat, claimed the inheritance and leadership for his father and himself, collateral relatives of the last lord. The clan took the side of the bold, unscrupulous, and ambitious youth; and as the powerful house of Atholl, for many family reasons, supported the heiress, the Privy Council was year after year disturbed by applications for assistance of various kinds, including Letters of fire and sword, to enable the supporters of the heiress to vindicate the law, and crush the adherents of Simon of Beaufort.

The latest lingering incidents of the war, so far as it was political, showed how little the art of besieging places naturally fortified was then known, and forms altogether a curious and romantic train of small events. The Bass Rock, occupied as a state-prison, was yielded early in the war, the garrison being starved into submission. Imprisoned in it were four young Jacobite officers, who had been taken in the skirmish at Cromdale. They observed that when any vessel arrived with supplies, it was the practice for several of the garrison to go down to the rock without the gate, and help in the unloading, which, owing to the exposed landing-place, was an arduous task. A collier vessel was delivering her cargo, at a time when Fletcher the governor, and a considerable part of the garrison, were on shore at Castleton. The aid of all who remained was required in the unloading; and the prisoners, promptly seizing the opportunity, shut the gate on their custodiers, and pointed the guns on them.* With the exception of a gunner, who agreed to join them, these four young gentlemen found themselves thus in possession of one of the strongest

* Siege of the Bass. Melville Papers, p. 622. Records of the Privy Council.

fortresses in Scotland. They were presently joined by several companions, who seized a boat on the coast of Lothian, with which they escaped pursuit till they came in under the guns of the fort.

The proper garrison of the fort was about fifty men. The adventurers who had thus strangely acquired it, seem never to have amounted to half the number, but they were all high-spirited men, with a love of adventure, and worth a far larger force of ordinary troops. The idea of holding out, and leading a semi-piratical life in such a place, seems to have been an imitation of the adventures of Prince Rupert and his followers, in the Scilly Isles. The French government, learning their position, sent a ship of war, which provisioned the fort, and left two war-boats for the service of the adventurers. With these they made plundering incursions on the neighbouring coast, and sometimes on places where their presence must have been little expected,—such as the Isle of May, where a few sheep were pastured, which furnished a welcome prey. They seized several trading vessels, which had, in ignorance or confidence, come between their island fortress and the shore of East Lothian, and secured a plentiful victualling of their small garrison, including abundance of brandy.*

At first they were inspired by the consciousness of their importance, in commanding the principal fortress at the opening of the Frith of Forth, should a promising effort be made for the restoration of the exiled family. With Britain and her seas in the hands of the Revolution Government, it was impossible that the solitary rock could long remain a token of the Stewart dominion. Yet it was held by its adventurous little garrison from June 1691, until its surrender on terms in April 1694.

* There are entries in the Privy Council records, authorising the owners of such vessels to treat with them for the ransom of the cargo.

The most instructive part of this little history is in its evidence of the slight progress then made in the art of marine sieges of fortified places. The Bass is a fine natural fortification. So far as this term applies to a place which primitive people cannot seize, it would be difficult to conceive a better. It is a solid mass of trap, rising right out of the sea five hundred feet, and, save at the narrow point where it shelves towards the shore of East Lothian, a precipitous wall, in some places overhanging the sea. Though it is held to contain seven acres of mountain grass, a visitor traversing it has a sensation that, were a storm to rise, there is no part of it, save in the ruins of the fortress, from which he is not liable to be blown into the sea. A more miserable fortress than these ruins represent, cannot well be conceived. There is not a vestige of a casemate among them, and no remnant of masonry stronger than the ordinary garden walls and unfortified houses of the seventeenth and of the present century. Yet so little was the art of bombarding then understood, that, during "the Siege of the Bass," as it was called, one war-vessel, sometimes two, accompanied by a fire-ship, professed to be besieging its little nest of buildings; and were so effective in throwing away random cannon-balls, that the garrison had at one time five hundred in their possession, which had been scattered over the rock by the besiegers.

The "Minutes of the Privy Council" are filled with orders, "anent the Bass and its pretended garrison," which show alike the perplexity and indignation of the Government. One day an addition is made to an attacking armament—on another, a Jacobite prisoner is commissioned to negotiate. The Scottish Secretary of State proposed that two vessels of war should appear in a sham fight before the Bass, and that one of them, having the French flag, should profess to be

disabled, and,..under pretence of seeking refuge, get in and seize the fort. There was no shelter, and no better landing-place than a little slippery point of rock, accessible only by a boat in very smooth water, and there was so little harbour, even for boats, that those belonging to the garrison were pulled upon the rock by a crane. The ship could, therefore, have gained nothing except coming under the battery. These indications of perplexity, and the occurrence of such a project in a statesman's letter, only confirm the impression left by the history of this petty siege, of the great progress made in later times in naval destructiveness. There had then been nothing resembling the great bombardments of the past fifty years; and it seems to have been thought that a thing of timber, cloth, and cordage, floating on the wave, could never be a match for the edifice of stone built on a rock.

In the end, the garrison seeing starvation before them, were received on terms of honourable capitulation. Their little romantic history has a characteristic conclusion in the negociation. They had held out so well that their flag of truce was respectfully acknowledged. On the 18th of April 1694, Major Reid was commissioned by the Privy Council to offer to the besieged terms of capitulation, specifically set down in nine articles. These offered absolute indemnity for life, liberty, and fortune, including the arms and other things in immediate possession of the garrison. They were to be free either to remain at home or to depart for France, whither those who selected exile were to be removed at the expense of the Government. These terms, far better than they had any reason to expect, were at once accepted. But to preserve their dignity, and, perhaps, to ensure their safety, the gallant little band kept up their original spirit to the last, and concealed from the enemy the wretchedness of their position. Though reduced to starvation

point, they had preserved some presentable remnants of provisions for the occasion, and received the messengers with an appearance of easy liberal hospitality. The Council presently afterwards issued an order for dismantling the fortress.*

* Minutes of Privy Council. Siege of the Bass, reprinted in "Miscellanea Scotica." Memoirs of the Rev. John Blackader, by Dr Crichton, Appendix. That the fate of the garrison would have been very different had they not purchased terms by their courage, is shown by that of some of their number, who were seized on shore. They were tried for high treason and hanged.—See *State Trials*, xiii. 843. The gibbet was erected on the coast opposite to the Bass, but a shot from the fortress alighting close to the spot, drove the executioners of the sentence to a safer place.

CHAPTER V.

Settlement of the Church—State of Religious Opinion throughout Scotland—Quarrel with the Bishops, and Abolition of Prelacy—The Oath of Allegiance—Ejection of Non-jurors—The Adjustment to the Inclinations of the People—The Offers of the Episcopal Clergy—Settlement offered to Parliament, but evaded—Replacement of Ministers ejected at the Restoration—Adoption of the Confession of Faith—Disappointment from omission to renew the Covenant—Effects of this on the new Establishment—The King's Policy—Removal of Penalties on Excommunication—A General Assembly and its Management—Resistance of the Northern Episcopalians—The Patronage-Repeal Act—The Universities.

THE dealing of the Revolution Government with religion, including its new construction of an ecclesiastical polity, and the measure dealt out to those opposing or dissenting from it, must ever make an important department in the history of the Revolution. A full understanding of the character of this settlement is necessary to a just appreciation of subsequent events. It opened up practical discussions which are still in active operation, and capable, probably for some time to come, of receiving light from the transactions and the opinions of that age. It is the more necessary to keep in view the absolute facts, as there are many popular mistakes abroad about their general tenor. It has naturally been supposed, from the apparently undisputed rapidity of the Presbyterian Settlement in Scotland, that the whole kingdom, with scarce any exception, belonged to that denomination of Protestantism. But this was not the case. If the country had been polled, from Galloway to the extremity of Caithness, perhaps a considerable majority would have voted for

Presbyterianism as a general principle It predominated in the southern and more populous districts, but Episcopacy, sprinkled with a latent Romanism, prevailed in the north, and continued, as we shall presently see, to have a tacit establishment for many years after the Revolution. Again, as to that particular form of the Church of Scotland which was actually established, a moderate Presbyterianism, resting, not on the Covenants, but the earlier and purely doctrinal standards, it is pretty clear that it had not the adherence of a majority of the people, since it was extremely unpopular in the five western shires, if not also with the common people among the Presbyterians in other districts. The established church was, in fact, an artificial compromise created by the tact and ingenuity of King William and his advisers, backed by a triumphant political party. A little detail will bring out the development of this view.

When the Convention met there were two religious parties in the country unrepresented—the Roman Catholics and the ultra-Covenanters,—called Society-men, Cameronians, or Hill-men, of whom we have already seen some characteristics. The former were excluded by law, the latter by their humble social position. In Scotland rank has ever held an influence, modifying or controlling that of religion. The fervid Covenanters of the west belonged to the peasant and artizan order; and even in the western towns, they neither seem to have found any of the gentry professing their own opinions, nor to have so far departed from old respect as to elect any of their own order to represent them.* There were, however, members of the House in abundance, ready to make use of their cause, and even of their arms, for party purposes, and to

* We have seen that the man of chief rank who belonged to them was Sir Robert Hamilton of Preston. He was abroad at the time of the Convention, and when he returned his followers were condemning the Parliament as uncovenanted.

give, or at least promise them, such concessions as they demanded. It is possible that the majority of the House were moderate Presbyterians, but this may be doubted. At all events, however, an overwhelming majority were determined to bear down the old legitimist party, and were quite ready to take Presbyterianism by the hand, should that be a means of accomplishing their political ends. What was, in such a crisis, a matter of no inconsiderable moment, the Parliament met in the part of the country where Presbyterianism predominated, and it was surrounded by an armed body of the western Covenanters, who might be its protectors or masters, as events declared themselves.

It had much influence on the position taken up by Parliament, that the prelates had early identified their cause with that of the exiled house. When the doubts and perplexities were at their height, they told King James, in a loyal address, that they were prostrated in thanks for the preservation of his sacred life miraculously prospered with glory and victory, while the amazing rumours of resistance excited them to pray for a universal repentance in all orders of men. Though the greater part of them attended the Convention Parliament, and took no strenuous part in resisting its progress towards the dethronement of their favourite, yet they showed their partiality in little acts of demeanour. The Bishop of Edinburgh, in the usual prayers at the opening of the House, managed to give them an equivocal turn in favour of the exiled monarch, until he was sharply rebuked, and he then contented himself with delivering the Lord's Prayer.* The bishops were prohibited from giving their votes as a separate ecclesiastical order, and in their suffrages, were admitted, during the brief period of their remaining existence, only as items in the order of temporal lords. The quarrel

* History of the late Revolution. Oldmixon's Memoirs of North Britain.

with them had widened pretty far before the Declaration of Right was passed, and then it was sufficiently extensive to warrant the statement that the existence of the order of bishops was a grievance. This, the first step towards the abolition of Prelacy, appears to have been the only item in the Declaration of Right which met with resistance, and required to be carried by a division.* They had in the Convention many political enemies, and few ecclesiastical friends. With statesmen indifferent to the conflicting claims between the Divine ordinance of Presbyterian government, and the apostolic descent of Episcopacy, it was of some moment that a hierarchy had, from the extravagance introduced in England, come to be deemed too costly for a poor country like Scotland, and that dispensing with the order of bishops was like the removal of a burden from the public expenditure of the country. A great portion of the territorial estates out of which the magnificence of the Romish hierarchy had been supported without imposing direct burdens on any class of citizens, had been converted into private estates, the tenure of which would be felt more secure to the owners if the order of bishops were abolished. Nor would it be forgotten that in the dispersal of their present revenue, friends might possibly be served, and other desirable objects obtained. Such political and personal considerations hurried on the vote against the bishops, which for some time stood alone as the sole decided step taken in the direction of a presbyterian polity.

So early as the 13th of April 1689, a measure was adopted, which, though not specially directed against Episcopacy, struck it through the side of loyalty. It appointed a proclamation to be published against owning the authority of King James, or questioning that of King William and Queen Mary. It appointed this pro-

* Minutes of Convention, MS., 11th April 1689.

clamation to be read from all the pulpits, and enjoined all the clergy publicly to pray for the new king and queen. Those who disobeyed the injunction were to be deprived of their benefices, but there was to be, in the meantime, no disturbance of those who complied.

It must be noticed that this act formed the first of the Erastian grievances of which the Presbyterians subsequently complained, and a parliament actuated by pure presbyterian principle would not have dictated from the government to the clergy, on the fulfilment of their spiritual functions. The spirit of party, however, carried on the few Presbyterians then officiating, and they were not eager to find objections in the act, since it committed those who had Jacobite episcopalian tendencies, and made room for true men by driving the false shepherds from their charge. A large number of clergymen were deposed for disobedience to this act.* Their removal, along with the ejections in the west, served, in a certain measure, to clear the arena before distinct legislative measures were taken to define the future church polity. The function of depriving the non-juring clergy of their charges and benefices fell somewhat incongruously to the Convention of Estates, for there was no other tribunal to effect the duty. Subsequently it was handed over to the Privy Council, who, on the 9th of August, issued a proclamation reducing the procedure to system and form. The inquiry was conducted at the instance of any parishioner giving information that the clergyman had failed to comply with the injunction, to read the proclamation and pray for the king and queen. The time of the Privy Council was extensively occupied, and its records are largely swollen, by these inquiries, sometimes rendered difficult by inge-

* Minutes of Privy Council.

nious equivocations.* In very few instances, however, are the clergy thus charged found to have been acquitted. In general, each inquiry is followed by a "Deed of Deprivation," in which it is declared that the incumbent has lost his right to the benefice, and that the church is proclaimed vacant, while he is prohibited from preaching or exercising any ministerial function in the parish, and is required to remove from the manse and glebe at the ensuing half-yearly term.† Such an extinction of ecclesiastical functions by a secular body, not even called to act in aid of any ecclesiastical authority, was as much at variance with true presbyterian principle as the injunction of the oath; but since it affected only those who, according to their view, had no right to an ecclesiastical position, it was not for the presbyterian party to call in question the arrangement. Its action was extremely lame, for it had no means of striking the nonjurors in their strongholds, where the parishioners, at whose instance only it could be moved, sympathised with the clergy. Thus, unless where there was some powerful landowner on the presbyterian side, like the laird of Grant, there were very few deprivations under this arrangement in the north.

The tenor of the king's instructions to his representatives had ever been to adjust church government, so as to be most "agreeable to the inclination of the people."‡

* Thus, the Rev. Mr Kay of Leith was charged with putting his prayer in this form:—"The King and Queen, William and Mary, and the rest of the Royal family."—*Minutes of Privy Council*, 6th September 1694.

† Minutes of Privy Council.

‡ Among the peculiarities of the state of religion at that time in Scotland, it must be noticed that an appeal to "the inclinations of the people" was attacked even on the presbyterian side. It may not perhaps be now discoverable if the king had in view the extreme Covenanters when he spoke of the people. If he had, he was mistaken in supposing that it was an acceptable proposal to them. They professed to belong to a higher hierarchy than the mere temporal one which they had been dispelling. In referring to the public vote as the criterion of an ecclesiastical establishment, a large por-

There is no doubt that the voice of the people, as it was heard in parliament—that of the middle classes and the common people in the southern counties—was decidedly for the presbyterian system. Whether the supposition that the country would have given a general majority

tion of them were shocked by his speaking of it thus as a temporal matter, instead of seeing his proper function as a terrible arm of wrath to extinguish evil, and carry with the edge of the sword the reign of righteousness. How this was felt, even by more moderate men, the passages which follow, from the "Memoirs" of a zealous but not turbulent man, James Hogg of Carnock, may show:—"That the foundation upon which the estates of parliament had raised the whole fabric of our church government is very uncertain and variable, namely, 'the inclinations of the people,' which, according to their interests, humours, and the several influences of subtile men upon them, are liable to many alterations. They who of old, the one day cried, 'Hosannah to the Son of David,' were as busy quickly afterward to fill the air with virulent clamours, 'Crucify him, crucify him.' Here there is no sufficient foundation for a settled and unalterable frame, and this hath given much of the rise to motions from the state and compliances with them on the church's part, which have been dishonourable to the Lord, and greatly hurtful to us; for it was often represented to the higher powers, that a considerable body in the nation favoured the curates, besides the interest they had with many in the neighbouring nation." The principle is more distinctly stated by one of the moderate Cameronians—it would be useless to refer to what the zealous members of that party have said on such a question. Complaining of the disorders, to the stumbling of the weak, and hardening of the perverse, which an unsettled rule in the national religion cannot but foster, he laments as to church government and discipline, that there is "neither established, nor any rule determined by which it shall be established, except *the inclinations of the people*, which are in themselves very variable, and must be ruled by, and not a rule unto, the institutions of Jesus Christ. And as they are variable, so they are various and diverse, as there are numbers of persons or parties that prefer their own humours and interests to the supreme law—the revealed will of Christ. Some are for Erastianism; some are for a constant moderatorship; some for a superintendancy; some, perhaps, for Independency; some for a toleration of all; some are for a continuance of the curates, either without any accommodation with them, and excluding them from a share of the government, but suffering them still to exercise their ministry—or by an accommodation and coalition with them in the government also. Some, again, are for the continuance of patronages. However it be, we and many thousands are against all these things, as being contrary to the word of God, abjured frequently in our Covenants, National and Solemn League, condemned in the Confession of this and all other best reformed churches."—*Short Memorial of the Sufferings and Grievances, Past and Present, of the Presbyterians in Scotland, particularly of those of them called by nickname Cameronians*, etc., p. 40.

on their side be right or not, yet they possessed what was essential for collective strength, in being certainly a majority of those who had firm and ardent opinions on church government, and were zealous in their behalf. The southerns were much more resolutely anxious for their presbyterian system than the northerns were for the episcopalian. Of the gentry there was doubtless a large majority nominally episcopalian, but this class have always, in Scotland, possessed a singularly small portion of the religious zeal so abundant among the humbler classes. It was, however, through the medium of the Estates that this earnestness had to act, and we have seen that this body were affected by secular and political motives, using the religious fervour of the people as a means for accomplishing their party ends. It was through the force of circumstances that they threw themselves decidedly into the presbyterian scale of the balance. Following up their early quarrel with the bishops, in July 1689, an act was brought in for abolishing prelacy and all superiority of office in the church. Some of the more eager spirits attached to it a clause for the establishment of the presbyterian form, but this was withdrawn.*

* The clause proposed was, "reserving to their Majesties to settle presbyterian government in the way most agreeable to the people's inclinations and the word of God." The "Minutes" show that the proposal was brought in by some private party, for the Commissioner craves leave to see the draft before committing himself (2d July). Next day the word "presbyterian" was taken out without a division; and as finally adjusted, the act stood that their Majesties, with consent of the Estates, would settle "by law that church government in this kingdom which is most agreeable to the inclinations of the people." There was, it appears, a serious critical debate, which was adjusted by the use of the word *that*. Craufurd, the parliamentary champion of the zealous presbyterian party, says, "When one of the clerks was up to call the rolls, in order to voting, my Lord Commissioner quarrelled one word, 'The government of the church most suitable to the inclinations of the people,' and would needs have in the place of it 'such a government,' alleging that 'the government of the church most suitable to the inclinations of the people,' imported only that there was but one government in the

The political feuds between the Estates and the bishops soon spread wider. The clergy who adhered to Episcopacy became, at the same time, the fixed adherents of the exiled family, and gradually it came to be the political view of the question, that the presbyterian clergy were the supporters, and the episcopalian the enemies, of the Revolution Settlement. In the meantime, at the passing of the act for abolishing prelacy, the northern clergy, among whom episcopalian principles prevailed, proposed an arrangement which looked fair, and would have well suited their own policy. It was that a General Assembly of the clergy should be called for settling the affairs of the church; and that to prepare matters for the deliberations of such a body, a previous conference of ministers, differing in opinion on church government, might be held, to consider controverted questions and make overtures for the peace of the church.*

The Assembly so suggested was not to be constituted as the Presbyterian General Assemblies came to be; for there were evidently to be no lay members: and the project was discountenanced, for the obvious reason that, in such a body, the Episcopalian and Jacobite party would have an overwhelming majority.

It will be remembered that, in the session of 1689, to turn the members from their political objects, the Government endeavoured, but in vain, to draw them towards the interesting question of the Settlement of the

church, and that *such* imported there might be severals. If by *the* they intended but one, he desired they might condescend and name it; upon which severals called out 'Presbyterian government.' He then told that there would be a need of so many restrictions and limitations ere he could give his assent to that, that it would be a work of long time."—*Melville Papers*, p. 139. The Scottish Parliament was so little accustomed to these minute estimates of the influence of words, that Craufurd quotes the clause inaccurately, using, for instance, the word "suitable" instead of "agreeable."

* Minutes of Estates. Craufurd mentions, with evident apprehension, a rumour that the Commissioner had sent this proposal to London, as a thing to be entertained.—*Melville Papers*, p. 140.

Church. The measure thus laid before them declared that the settlement, as it stood by the act of 1592, was that which had the closest proximity to the wishes of the people, and provided for its re-enactment, with these explanations and restrictions:—That the necessity of holding casual Assemblies should be first represented to his majesty, and admitted; that the rights of the lay patrons of ecclesiastical benefices should remain valid; that the jurisdiction of the church should consist only in preaching the Scriptures, correcting ill manners by ecclesiastical censure, and administration of the sacraments; and, to prevent any meddling with state affairs, that his majesty might have, when he deemed proper, an officer to attend in Synods and Presbyteries, like the Commissioner in General Assemblies. The measure contained rather an announcement than an enactment, that his majesty, in parliament, would enact rules for curbing vice, advancing piety and religion, and preserving peace and unity. When this act was presented, another draft was offered by the Lord Cardross, abolishing patronage, and otherwise furthering the interests of the independent Presbyterian party; but the House, in pursuit of its own schemes of aggrandisement, would listen to neither project.*

Another portion of this evaded measure became, in the more peaceful working session of 1690, the first step in the creation of a presbyterian clergy. The first function of the prudent friends of a new ecclesiastical system naturally was to plant a nucleus of clergymen, favourable to it, in the church, for the presbyterian party were still external to the Establishment. Except in the parishes of the ejected clergymen, and of those who, under the old system, had accepted the indulgence, or the few who, presbyterian at heart, desired to transfer their ecclesiastical allegiance, the episcopalian party had

* Minutes of Estates, 17th July 1689. History of the late Revolution, p. 180.

the advantage of possession, and were not to be incautiously deprived of it, without the risk of convulsions which might be perilous to a new government.

The portion of the evaded act of the previous session, which, thus restored, planted the seeds of the Presbyterian polity, affected the personal and pecuniary position of a considerable number of people in such a manner as to make some laud the new government for its justice and liberality, while others complained of spoliation. The act restored to their benefices the presbyterian clergymen who "were thrust from their charges since the first day of January 1661, or banished for not conforming to Prelacy, and not complying with the courses of the time." In the practical arrangements of the act, a division was made of the last half-yearly instalment of stipend, as if to show on its face that it was a deliberate and fair adjustment, not an abrupt spoliation; that it did not leave the fugitives, usurpers as they were, destitute, but allowed them to carry off a trifle from the emoluments they had kept from the right occupants, to help them to another means of living. The men so restored were the small remnant, at the end of twenty-seven years, of that large body, amounting to about 350, who abandoned their temporalities when Prelacy was forced on them in the year 1662. They amounted to about sixty, and as they were held by their friends to be the only true representatives of a church numbering nine hundred ministers, they were called by the Episcopalians the Sixty Bishops. Those ministers who had accepted of the first indulgence, but whose scruples checked them at the contradictory test of the year 1681, begged to participate in the restoration.* They, however, were not a body who had high claims or prominent support, and their

* Minutes of Estates, 31st July 1689. The act offered by the king, however, but declined by the Estates, included the clergy deprived since the year 1681, for not taking the test.

application passed unnoticed. The restoration of the veteran martyrs of the Presbyterian cause was calculated, in many shapes, to modify the opposition of the extreme and zealous to moderate measures. Those who, after so long an interval resumed their temporal benefices, along with the undisturbed exercise of their religious functions, were the last men who would have admitted that Parliament could either deprive or restore them; but the use of the latter function was not calculated to arouse their protestations, and it was not necessary that, in re-adopting their right position, whence wicked persecutors had driven them, they should acknowledge that any mere temporal authority had interposed. The clergymen thus restored, with such fellow-labourers as they felt entitled to associate with them, met in Edinburgh, not as an ecclesiastical assembly or convocation, but as a body who had the duty and privilege of attending to the interests of the church. Even in this small and venerable body, however, there lay elements of antagonism. Some of them had not merely been the martyrs of Prelacy and arbitrary power, but had been deposed by their own church courts. What really created the difficulty in dealing with them was this: Under the Protectorate, no General Assemblies or other cumulative church courts were permitted to assemble. The church was, however, divided into two utterly antagonistic parties, the Resolutioners and the Remonstrants. They fought fierce battles with each other in their local courts; and where the Resolutioners had a strong majority, they deposed clergymen whose real ground of offence was their adherence to the remonstrant party, who retaliated in the places where they felt themselves strong. This means of dispute had disappeared with the Restoration, but the scars still remained in the decisions of the church courts, deposing from the ministry men who were to their own friends all the dearer for their deposition. This

difficulty was derisively hailed by the Jacobite pamphleteers as an insuperable one. Temper and good management, however, aided by the smoothening influence of success, overcame it; and it was of so little efficacy, that, were it not for the derisive jeers of these Jacobite pamphleteers, we would now know nothing about it.

Following up these preliminary arrangements, a more decided step was taken on the 26th of May, by the Parliamentary adoption of the Confession of Faith. Those who are accustomed to the strictly legislative nature of English and British statutes, may be at a loss to know in what character the articles of creed embraced in the Confession, appear on the Scottish statute-book. There was not, in the Parliament of Scotland, the same accurate distinction between votes of approval by the House and statutes binding on all the community, which distinguished the scientifically-matured system of England. Many votes were carried as a mere victory of opinion, never intended to be enforced. The preamble with which the Confession is introduced, stands in these terms: "The Confession of Faith, underwritten, was this day produced, read, and considered, word by word, in presence of their Majesty's High Commissioner and the Estates of Parliament; and being voted and approven, was ordained to be recorded in the books of Parliament." There is no reference here at least to persons on whom it is obligatory to subscribe it, or to penalties for refusing belief in it, but it stands simply accredited by the approval of Parliament.* A history of civil and ecclesiastical transactions is not a place for considering, in a critical shape,

* It does not appear to alter the character of this simple approval, that in the subsequent act, ratifying the church government, it is provided that the Estates "ratify and establish the Confession of Faith now read in their presence, and voted and approven by them, as the public and avowed confession of this church, containing the sum and substance of the doctrine of the Reformed churches."

the character of any religious creed; and it may be simply said of the Confession of Faith, that many have adopted it who have understood it to embody rather the distinctive principles of Protestantism in general than those of the Church of Scotland in particular. Thus, in some instances, people belonging to the Church of England, and who have subscribed the Thirty-nine Articles, have thought themselves at liberty, possibly without any anxious examination of impalpable divergencies, to give their adherence to the Confession also. And it has been maintained that there are members of the Church of England, whose actual faith it would more justly represent than do the standards of the church to which they belong. It was not considered antagonistic to Prelacy—it was the nominal doctrinal standard of the church of which Sharpe was primate—and was, in fact, a part of the celebrated Test Act of Charles II. As modelled and adjusted in the Conference at Westminster, it was more full and explanatory—less brief and rugged, than in its first shape, when it was adopted in 1567. But in its fulness, it left more room for gentle and tolerant interpretations than the extreme Covenanters liked to find. Some passages they might turn in their own direction; perhaps they were meant to be convertible. So,—where, on liberty of conscience, it is said that "God alone is lord of the conscience, and hath left it free from the doctrines and commandments of men, which are in anything contrary to his word, and beside it in matters of faith and worship;"—these interpreters, doubtless, would not have held that this affected the force of their own commandments, seeing that instead of being in anything contrary to the word of God, they were its perfect embodiment. But there were other positions, such as the following, which might be said to stand right against their exclusive claims: "It is the duty of people to pray for magistrates, to honour their persons, to pay them tribute

and other dues, to obey their lawful commands, and to be subject to their authority for conscience' sake. Infidelity, or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him, from which ecclesiastical persons are not exempted."*

* When the extreme zealots stumbled upon this passage, they remembered that it was controlled by the Covenant, which required them to purge evil magistrates out of the land. Of the temper in which this passage was received by them, the following may be taken as a specimen, from a work to be afterwards referred to, called "A Collection of Dying Testimonies:"—

"I believe that the Westminster Confession of Faith (when rightly understood), and all that is contained in the Larger and Shorter Catechisms, Sum of saving Knowledge, and practical use thereof, is sound doctrine, founded upon, and agreeable to, the word of God. Therefore I do sincerely own and believe the doctrines contained in these. There are two particulars in the Confession, as understood and explained by some, which I declare I dare not own as any part of the confession of my faith.

"The first is, Confession of Faith, chap. xxiii. sect. 4. 'Infidelity or difference in religion doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him.' This they think imports that a Heathen, a Papist, a Lutheran, a Prelatic, an Erastian, or Sectarian of any sort, may have a just and legal authority to rule and reign over these three covenanted nations, Scotland, England, and Ireland; and that after they had sworn the Solemn League and Covenants, which abjures popery, prelacy, etc.; and were become a people in covenant with the Lord. Now, according to my judgment, this interpretation is directly contrary to (1.) the word of God, which obligeth all people to profess the true religion of Christ Jesus, and are in covenant with the Lord; to set up such for rulers, to reign and bear rule over them, as are of their brethren, of the same nation and religion with themselves; fearers of God, haters of covetousness,—such as are just men, capable to rule in the fear of God,—to the terror of evil doers, and the praise of such as do well, Deut. xvii. 15, Exod. xxi. 18, 2 Sam. xxiii. 3, 4, Rom. xiii. 3, 4. All which scriptures excludes from this dignity (among professors of the truth) all heathens, and such as are of false erronious principles in their religion, and wicked and ungodly in their practices.

"(2.) To the Coronation Oath of Scotland, which very plainly and positively declares, that the increase of virtue, and punishment of iniquity, do crave that the king and people be of one reformed religion.

"(3.) To the National Covenant (called the king's confession of faith), which was subscribed at first by king James VI. and his household in the year 1580; and thereafter by persons of all ranks in 1581. In which National Covenant not only popery, but also all other false religions, stand abjured by both king and people.

"(4.) To the Solemn League and Covenant, which the Westminster divines themselves did swear and subscribe, four years before this their Con-

There were other documents besides the Confession of Faith which demanded attention from the Parliament. The small centre of the church just brought into existence, zealous as were the elements of which it was composed, was ruled by prudent counsels. The presbyterian clergy, in their casual meetings in Edinburgh, passed an "Address of the Presbyterian Ministers and Professors of the Church of Scotland." By the moderation of its tone it was evidently prepared to help the advisers of the Government. It desired the Estates to establish and ratify along with the Confession, "the Larger and Shorter Catechism," and "The Directory of Worship and Presbyterial Church Government and Discipline." But though the Catechisms were brought formally under the notice of the Estates, they were not adopted, nor were they even urged on the attention of the House.* But there was in the eyes of some a far more momentous omission in the neglect of a document which would have removed

fession of Faith was agreed upon. In which Solemn League and Covenant they did solemnly oblige themselves, to root out popery and prelacy without respect of person, and all other things contrary to sound doctrine, and the power of godliness; and to bring malignants to condign punishment."

The principles here expressed are brought to a focus in the following:—

"The king should be obliged to root out of his dominions, all popery and idolatry, all prelacy and superstition, and all errors, heresies, and heretics what and whomsoever; and every thing that is contrary to sound doctrine and the power of godliness; and to bring all malignants that are enemies to the covenanted work of reformation, to condign punishment."

It is incongruous enough to find this followed by a declaration that "the king should be obliged to endeavour to the utmost of his power, to preserve to the church and people of God perfect peace."

* The minutes merely say, "agreed that mention of the Larger and Shorter Catechism be left out of the Act, 26th May." It is said in one of the pamphlets of the day, "after hearing the Confession of Faith read over, the House grew restive and impatient, could stand out no longer, and too gladly listened to a proposal to be content with what it had received, and forbear the Catechism and Directory." In the same account it is said that the blandishments of the commissioner, and other statesmen, were employed in appeasing the discontent of some clergymen who were present.—*See an Account of the late Establishment of Presbyterian Government by the Parliament of Scotland, Anno* 1690.

from the Confession of Faith whatever was doubtful or favourable to heresy and latitudinarianism, a document which would have left the obligation to obey the infidel or heretical magistrate innocuous, since it would not have permitted such a person to exist in the country. It had been always a resource to those who felt any passage in the Confession of Faith a stumbling-block, to remember that it was controlled by a more emphatic testimony. This was the Covenant, containing not merely a creed to be believed, but a rule of action binding its adherents to conflict and subjugation. It prescribed not only what the adherent believed, but what he was to force all others to believe, by the edge of the sword and with zeal even unto slaying if need be. Already, though devised and written in obscure Scotland, had it been carried triumphant over England and Ireland as the voice of the Deity, and it was not wonderful that those who deemed that its brightness had only been subjected to a temporary obscurity by the wickedness of the later governments, should see in the sudden prostration of the enemy, the time at last arrived when it was again to blaze forth in its true lustre, illuminating all the land with the burning light of Christian truth. They had now only certain articles of religious faith, approved of by the Parliament, but not enforced on those who might be schismatical and heretical even in Scotland; while their beloved Covenant embraced the three kingdoms, and brought them at once beneath the dominion of the Deity by requiring all men, "in whatsoever position," to subscribe it under severe pains and penalties. And the testimony which they were thus, rather by the overwhelming influence of a higher power than by mere human means, compelled to acknowledge, conveyed no imperfect sound, but bound them over at once to "the extirpation of popery, prelacy (that is, church government by archbishops, bishops, their chancellors and com-

missaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on that hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godlyness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues."

The evident reluctance to renew the Covenant at first excited the impatience of the rigid Covenanters; and when the Confession of Faith was passed without its combative and enforcive companion, and without even its suggestion in the Estates, the alarm became deep and strong. Whatever should be the fate of Scotland, England was let loose again to become the prey of a ravening prelacy. In Ireland they could apply an argument which had some weight even with ordinary worldly politicians, when they asked, What better original right the Church of England had to exercise authority over the Roman Catholics there, than the Presbyterian Church had? The Covenanters claimed the advantage of existing treaties and obligations in their favour, since the Covenant had been accepted as an obligation binding all parts of the empire.

Though an act, passed immediately afterwards, restored the system of Presbyterian church courts as they had existed before the Restoration, the victorious glories of their Zion were considered, by the zealous, as departed, since on so signal an occasion the Covenant was not renewed.* They were, it was true, to have ample means

* The following reference to this ground of complaint is so late as the year 1852:—"While we regard the Revolution as a glorious work of God, effecting a blessed deliverance for this church and country, and while we sympathise with the good men who acquiesced in the settlement of the church then made as the best that could be obtained at the time, we lament the defects of that settlement, particularly its leaving the second Reformation to lie dishonoured under the infamous act Rescissory, and going back for the model of its constitution to the year 1592, thus overlooking many

of following their own worship, with all the dignity of an establishment, but that supremacy which they deemed that they had righteously carried over the other nations united with them in government, was gone, and it was not clear that they might not even be constrained to tolerate error within the kingdom of Scotland, and, as it were, at their own very door. By many this desertion was deemed

of the attainments of the second Reformation."—*Representation and Appeal of the Synod of United Original Seceders to the Free Church, 1st June* 1852, *for a Union of the two Churches.*

At an earlier period, John Glass, the founder of a small sect, a man of considerable ability, made himself very offensive by declaiming against the despotic and intolerant authority claimed in the Covenant, and thus brought out in its strength the allegiance still paid to it by a large portion of the Presbyterians. Having expressed himself thus:—"The Covenant proceeds upon the old mistake of a covenant kingdom, and from an inclination even in the best of these who had the conduct of that business to take Christ by force and make him a king; and they were plainly designing an imitation of the early church of the Jews, wherein they were not to be imitated;"—a controversial opponent, referring to the virtues of the covenanting days, and the backsliding of later times, begins with saying, "Let it offend none when I say God himself testified his approbation of this way by a plentiful effusion of the Holy Ghost in these covenanting days," and proceeds distinctly and calmly to lay down the principle of enforced obedience, thus,—"What harm is there if magistrates oblige people to profess and own that religion which the people themselves know to be of God? May not magistrates oblige them to walk suitably to God's will made known to them? yea, farther, what injustice were it if a godly magistrate should oblige his pagan or idolatrous subjects to hear the word of God that they may judge of it afterwards in their own consciences? If this author think that unlawful, I am sure MacLean of Coll had a much better thought of things, who obliged his popish tenants to hear a protestant minister, leaving it to them to judge of his doctrine. And God so far blest the gentleman's honest endeavours, that after some days almost all of them turned protestants, being convinced of the truth by its intrinsic evidences; and owned it was their mercy they were made to hear the gospel against their own inclination.

"No doubt some will say this is a forcing of men's consciences; and if it were allowed, princes in other parts of the world may oblige their subjects to go to mass or to Mahometan mosques. But I answer, a magistrate may lawfully do that for truth which no prince may do against it. It is lawful for the kings of the earth *to hate the whore and burn her flesh with fire;* but it never was, nor will be, lawful for any to treat the church of God so."—P. 57. *A Review of a Paper lately written against the law and binding obligation of our Sacred National Covenants. By a Lover of Truth and Peace.* Re-edited in 1779 by a member of the Secession.

no act of mere lukewarm neglect, but an atrocious crime, for the perpetration of which Divine avenging judgments might be expected to fall upon the land. It was the crime of perjury, and that not towards a human being, but against the Almighty, to whom the obligations of the Covenant had been solemnly sworn by the three nations. It shows how deeply the desertion of the Covenant had entered into the minds of the more zealous part of the new church, that not merely the Cameronians, who were unceasing in the work of covenanting, but those who drew apart from the church half-a-century after the Revolution Settlement, made it their immediate function, on their release from the trammels of the Establishment, to renew the Covenant.

It has been already seen that the whole of Scotland was not Presbyterian, and that, especially over the northern counties, a large body of people inclined, if not devoted, to Episcopacy, survived the Revolution. It has farther been noticed, that an element of discontent towards the new establishment existed within the bounds of Presbyterianism, in those who desired the renewal of the Covenant, and were not content with the mere adoption of the Confession of Faith. They consisted of a body shading off from the moderate Presbyterians almost indefinitely, until they reached that depth of fanatical gloom seen in the conduct of the remotest and most exclusive of the Hill-men.* It would be impossible to say what proportion of the Presbyterians were really devoted to the moderate polity established by King William. It is not quite clear—counting the Episcopalians and the dissatisfied Covenant Presbyterians—that one would be wrong in deciding that a very small fraction only of the people were heartily attached to it. It was an entirely artificial adjustment. It grouped

* See above, p. 32, *et seq.*

within the same communion, a diversity of sentiments, commencing at one extreme with the conviction that the Covenant ought to be enforced at the point of the sword throughout the three kingdoms, and passing through all shades of opinion between that and a bare submission to Presbyterianism in hearts where Episcopacy was cherished. It contained the elements of dissolution. It did not keep entirely whole even till its politic founder was in his grave. Had the religious powers in the country been permitted, with some modification and restraint, to adjust themselves, Episcopacy would have prevailed north of the Tay; in Fife and along the east coast, a moderate Presbyterianism might have developed itself, though perhaps not quite so moderate as that which the Dutch King, backed by the influence of England, established; the western shires would have been such as they have described themselves in the quotations made in these pages from their testimonies; but the Covenanters of all degrees would have doubtless yielded to the softening influence of advancing civilisation, and, even if they retained the nomenclature of the Covenant, would have permitted its old coercive spirit to die away.

To the artificial adjustment made by the Dutch King and his able advisers, we may thus justly attribute the existence of the Church of Scotland under the Revolution Settlement. It was the creation of much wisdom and sagacity, supported by political power; but it would be a presumptuous determination to say that it had achieved even the objects towards which it was immediately directed, and it may be questioned if it had much influence in modifying religious acerbity in Scotland. We have no right to suppose that, through the progress of civilisation, the extreme Covenanters would have maintained, in any circumstances, their unrelenting isolation; but we know that, under the Revolution Settlement,

enough of it was preserved to furnish elements of discord, which, though they have been sometimes but faintly perceptible, have never been entirely absent, and have occasionally led, through increasing convulsions, to absolute disruption. It is remarkable, that at first the idea of dissent seems not to have occurred to those who expected from the Revolution Settlement some thorough ecclesiastical testimony. Perhaps it was because they had no leader with views sufficiently bold and original to suggest dissent from a church ostensibly formed on their own Presbyterian principles; perhaps their pride, not lessened by recent victory, made them scorn a position that had not the name and authority of an establishment. Whatever might be the cause, the principle adopted by those of the clergy who in heart dissented and were bitterly severed from the new church settlement, was, that instead of attacking it from without, they should belong to it, and strive to work a reformation within. The most remarkable type of this principle was the conduct of the three clergymen, Thomas Lining, Alexander Shields, and William Boyd, who were the select spiritual teachers of the Hill-men, and the only pastors in whom, in such slippery times, they could place reliance. Much to the wrath of the extreme section of their people, they gave in their adherence to the Establishment, adopting, as they said, a free assembly as a means of determining the unhappy differences between them and their brethren.* They led an uneasy life, for they were accounted by their brethren turbulent, factious, dangerous men; while the

* The arrangement for the admission of these men was a very clever piece of management. They presented to the Assembly which met in 1690, two papers,—one of them very long, intended for the exoneration of their consciences, to represent those parts of the conduct of the church which had been most stumbling to them. Along with this they presented a short paper, offering to submit themselves to the judicatories of the church. A committee of the Assembly was appointed to peruse and report on both documents. They said of the large paper, that "though there be several good things in

fathers of the ultra-Cameronian societies handed them over, as lost, perfidious traitors, to uncovenanted mercies. Among a number of dying testimonies of eminent patriarchs, collected together and afterwards published, where the protestations against Popery, Prelacy, and the Erastian Revolution Settlement, are recorded in the usual terms, it is often found that the choice flowers of denunciatory rhetoric have been reserved for these perfidious traitors who sold the precious birthright of testifying in the good old way, for the sordid temporalities of the new establishment.

The earlier secessions from the Church of Scotland, we shall find stating the main cause of their quarrel to be a series of defections from the old standards, beginning with a neglect to renew the Covenants, followed by a lax toleration and the gradual creeping in of corruptions in doctrine and practice. Other specific causes of difference—such as the patronage question—were brought prominently forward when the progress of opinion and general civilisation had driven the intolerant principles of the Covenant out of the minds of educated Presbyterians. But down even to the very latest separation, those who have left the Church of Scotland have been the ecclesiastical descendants of that portion who, at the Revolution Settlement, grieved that the Covenant was not renewed, and joined the church for the purpose of endeavouring to make it covenanted. Nor does it follow that this point of departure showed that the one body was marching on in the direction of bigotry, and the other

it, yet the same doth also contain several peremptory and gross mistakes, unreasonable and impracticable proposals, and uncharitable and injurious reflections, tending rather to kindle contentions than to compose divisions." In short, the large document was a bitter attack on the church which its authors offered to join. It was, therefore, arranged that the large paper for exonerating their conscience should not be read, but that the short paper, containing their offer of subscription to the Assembly, should be received as containing the terms of their application for admission to the bosom of the church.

in that of toleration; for in some shape or other, the advancing spirit of charity has had its influence on all; and names have been retained with so entire an alteration of spirit, that in some instances we find the clerical representatives of those who maintained it to be the state's duty to help the church in uprooting heresy, denying that the church should have any connection with the state, or should use any other than spiritual weapons.*

Having made his arrangements for placing the church on a presbyterian basis, and for an adjustment of the vexed question of patronage, to be afterwards mentioned, the tenor of King William's subsequent policy towards the church was one of restraint. So far as it was practicable, without a violent rupture, he checked all efforts to achieve clerical independence of the state, determining that if he was not in form admitted to be head of the church, he should yet have power to prevent it from disturbing his government or counteracting his policy. As his was a constitutional, and not a military government, he could not, like Cromwell, have utterly prohibited ecclesiastical assemblages; but he was evidently resolved not to permit those scenes which had disturbed the throne of James VI. to be repeated, and insisted that, in some shape or other, the state should take payment for its countenance and protection in a means of ultimate control.

* There is a world of suggestion in the qualifications of the latest reference to the Covenant, by a body which had, for a century, been peculiarly associated with it. In their proposals for union with the Free Church, the United Original Seceders, on 1st June 1852, say:—"While we do not affirm that there was nothing culpable or defective in the measures adopted by our fathers in prosecuting the work of reformation, we believe that the covenants entered into by them were, in the circumstances, lawful and laudable deeds, and that great injury has resulted to the interests of religion and liberty from not carrying out the ends which they contemplated, in opposition to Popery, Prelacy, and Erastianism." We shall find afterwards, that a large body of seceders, in after times, removed the coercive expressions from their version of the Covenant. The body who received the Original Seceders into

Before the first General Assembly was convened, a small unnoticed act had been passed, which adroitly removed the most formidable weapons of the church,—and removed them evidently at a moment when its attention was distracted by other matters. The main ostensible object of this law was to abolish the offensive powers given to the hierarchy during the previous reigns. Among these the ecclesiastical punishment of excommunication was employed as a means of inflicting civil pains, by the sentence of the hierarchical tribunal being enforced by the courts of law. It was but apparently completing the abolition of Prelacy, to put an end to this form of hierarchical power, which it had offensively used; but to the revocation was added a brief yet very effective repeal of "all acts enjoining civil pains upon sentences of excommunication." Thus a little sentence swept away at once a confused mass of old sharp weapons, with which it would have been signally perilous for the Government to have meddled, in attempts to carry them off in detail or blunt their edge. Among the civil penalties incurred by excommunicated persons, one, sufficiently portentous in itself, was the confiscation of landed property; and the officers of the crown were prohibited from affording investment in their estates to those against whom the ecclesiastical condemnation had passed. The removal of the means of infliction was at first welcomed as a blow

communion had no further connection with the Covenant than a historical approval, the nature of which they took care thus to qualify:—"They fully and unreservedly acknowledge the obligation to prosecute the ends of the Covenants in the reformations which these Covenants were designed to advance and perpetuate; and in particular to oppose Popery in all its forms, and Popish institutions, influences, and tendencies, wherever they may be found; and to aim at a Scriptural union and uniformity in doctrine, worship, and discipline among the churches of these lands; in the use of all competent means suitable to present circumstances, and consistent with the word of God and the functions and spirit of a church of Christ."—*Act of the General Assembly of the Free Church of Scotland, as to Union with United Original Secoders*, 1st June 1852.

directed against those who had last used it, but their successors missed it where they expected to find it, and saw plainly the ulterior object of the measure. It was better, however, that they should find out the want than anticipate the removal: and thus was accomplished one of those clever strokes which are called acts of statesmanship, of statecraft, or of chicane, according to the circumstances in which they are transacted, or the point from which they are viewed.

Loud demands were made for a General Assembly. The prospect of assembling a body which had so often shaken the throne, gave apprehension to the king and his advisers, and they would fain have postponed the ordeal to a fitter time, but a farther delay would have been denounced as an indication of treachery. They knew well that an ecclesiastical body dispersed through the country among the hostile and the lukewarm, and an ecclesiastical body in conclave, with the privileges of an establishment, are two very different things. The deprived clergy had been flocking into England, to pour out their griefs on the bosoms of their well-endowed brethren there, who naturally offered them warm sympathy, and counted their sufferings, from a schismatic body of Presbyterians, a high insolence and intolerable grievance. A multitude of pamphlets issued from the English press, descriptive of the hardships which the apostolic church had suffered in Scotland. In this conflict of antagonist feelings, there was much fear that a General Assembly of the Presbyterian clergy might act extravagantly, forgetting the moderation necessary to their own interests and those of their best friends. But the church was still small in number; it was kept in control by a strengthening government; and it had calm and sagacious advisers.

At length the time had come when the Assembly could not be avoided, and it was to meet on the 16th of

October 1690. Though circumstances forced it upon an unwilling monarch and his not less reluctant advisers, the meeting was avowedly summoned by parliamentary and regal authority. The correspondence of the day shows a lively nervousness about the result of the measure, among the statesmen labouring zealously and anxiously in the arrangement of safeguards against mischief. There was an unpleasant difficulty at the commencement, in the choice of a Commissioner. The impetuous Craufurd was pointed out as the proper man, by his popularity among the more ardent spirits in the church, and his devotion to their cause; but it was a selection, for many prudential reasons, to be avoided. Melville wrote to him a judicious letter, earnestly appealing to his zeal and affection for the king and the Revolution Settlement, deploring the dangers assailing Presbytery, and urging him to keep his friends in the Assembly in order. To accomplish this momentous object, it was necessary that he should be a free member of the body, and that the function of royal representative on the occasion, which would naturally have fallen to him, should be bestowed on one of his friends. The person fixed on was the Lord Carmichael—a prudent, quiet, firm man; and Craufurd was made the medium of offering the appointment in so adroit a shape, that it seemed even to Craufurd himself that he had made the selection. The compliment was effective, and secured the desired co-operation. Craufurd made answer, that his friends saw the momentous importance of moderate measures, and would hold a short, calm session.* Not content

* See the "Melville Papers," Melville to Craufurd, 6th October 1690, p. 540. Craufurd says—"I am still of opinion I was at first, that our members are sufficiently disposed for a short session, moderate things, and to manage those with great calmness, as I am convinced it is their interest at this juncture—it being the king's, which in justice should never be separate from theirs; so I will employ myself to the utmost, by all the credit I have with them, to confirm them in that happy temper."—P. 548. On the 18th

with securing this one potent source of influence, Melville wrote letters of earnest appeal to such leaders of the church as Gilbert Rule, Fraser of Brae, Kirkton, and David Williamson, in very complimentary but solemn terms, beseeching them to consider the importance of moderate councils, and the triumph, calamitous to the presbyterian cause, which their enemies would reap were these neglected.

The king was determined that this Assembly should not throw itself loose from the control of the state. Every person living in Scotland knows that, in later times, it has been the policy both of the Crown's representative and of the church, carefully to avoid opportunities of collision. So long as the Assemblies kept within their own ecclesiastical functions, there was no danger to be specially obviated. . The commissioner, in quiet reliance that the prescribed limits would not be broken, sat patiently on his throne, often not grieved to reflect, as he read a newspaper or chatted with a friend, that the less interest he took in the proceedings, the more he fulfilled the Assembly's notion of his proper functions. The main difficulty to be overcome was in the principle maintained by the crown, that no business should be transacted while he was absent. To avoid chaining him to his chair during debates which nothing but a zealous interest in them could arm human patience to stand out, some good-natured arrangements were made for resolving the house into a sort of committee, authorised to conduct a certain routine of business, set down for con-

October, writing in congratulatory shape on the successful commencement of the Assembly, he says—"As my care was such for bringing matters to this happy issue, by managing men of all degrees according to my credit with them and their own inclinations, with that same industry as if my life depended on the result of my labours, as well as the peace of the nation,—so it is the joy of my heart that the Lord has countenanced me in this with some success, as He hath manifestly done this Assembly by his breathing on us, and presiding among us."—P. 550.

* Melville Papers, p. 542, *et seq.*

sideration while the commissioner was present. By these and such like arrangements, all unpleasant disputes were got over, by parties not seeking a quarrel. To complete the understanding, the Assembly came to meet annually, and on a particular day of the year. The royal Commissioner and the elected Moderator, each knowing the day so fixed, did his part by an adjournment to that day, without the one interfering with or referring to the other. So it has been the long-established practice, that the Commissioner, at the end of the prescribed length of each session, adjourns it to the day of meeting next year, in the name of the crown, and the Moderator adjourns it to the same day, in the name of "the Lord Jesus Christ."

It is interesting to find that this arrangement was invented and followed out by the first Revolution Assembly in its daily adjournments, and that it was the fruit of the ingenuity of the Commissioner and the prudence of Gabriel Cunningham, the moderator.*

When, however, the more important question of the dissolution or annual adjournment of the Assembly, and the appointment of a day for its re-assembling, came up, it is said that, while the members were discussing the matter, it was abruptly settled by the Commissioner, who proclaimed the dissolution of that body and the re-assembling of a successor, amid the silence of the members. When afterwards, in the preparation of the minute, it

* Lord Carmichael writes to Melville about a difficulty at the close of their first meeting:—"It seems to be the general opinion of the Assembly, that they have the right and power of adjourning themselves from time to time, though by dealing in private with them I have kept it from any public debate, and having no instruction at all, was necessitate to manage it the best I could, so that my consent being always asked by the moderator as to the next time of their meeting, I desired him to signify they might meet against such a time; wherewith, so far as I conjecture, they are not so fully pleased."—*Melville Papers*, p. 549. This compromise did not escape some sarcastic eyes looking on these proceedings, and their remarks were embodied in jocular anecdotes about the double mastership over the moderator, not of a kind to be repeated at this day.—See *Historical Relation of the late General Assembly*, etc. London, 1691.

was asserted that the Assembly had "dissolved itself," the form was ordered to be corrected; and, to avoid opening up dangerous questions, it was mutually permitted to stand in the neutral form, "This Assembly being dissolved," etc.*

It will readily be imagined that a body so tame and trammelled, was to the zealous a sadly imperfect restoration of those great Assemblies which established a dominion above the state, and swept the Covenant over England and Ireland. There was here a more flagrant abandonment than even in Parliament, of the fundamental privileges of the church, by a failure to renew the Covenants. Even what was done in the shape of testimony, in the appointment of a solemn humiliation for the sins of the land, was weak and empty; for there was no distinct acknowledgment of, or penitence for the acceptance of, the indulgence, or the submission to a lax toleration —sins of which professing members of the church were guilty.

While they were thus contemned by their covenanting brethren, the church had but a modified triumph over their opponents of the dying establishment. An act of Parliament had given the presbyterian clergymen, of whom the approaching Assembly was to consist, power to redress disorders in the church by a system of visitation. Their visitors were to have authority, in the expressive words of the act, "to try, and purge out, all insufficient, negligent, scandalous, and erroneous ministers, by due course of ecclesiastical process and censures." A powerful weeding machinery was thus sent into the ecclesiastical garden. It is perhaps not in human nature that these presbyterian investigators should apply exactly the same rules of evidence to the moral conduct of Presbyterians and Episcopalians. Soundness of doc-

* Historical Relation: Acts of Assembly.

trine would perhaps afford a presumption of soundness in morality. The visitors claimed credit for the extreme impartiality with which their functions were performed; but if they acted fairly, it must be acknowledged that, among the remnant of the episcopalian clergy on whom they sat in judgment, there must, from the many instances of deposition for drunkenness and debauchery, have been a singular prevalence of immorality.*

For the purpose of more effectually executing these powers, the Assembly appointed two commissions of visitation,—the one to work on the south, the other on the north of the Tay. The northern department, though the more barren in its ecclesiastical harvest, was attended by far more incident than the other. Instead of being directed, as they would have been by the extreme party, to pass beyond their parliamentary power, and fulminate the judgments of the church on those who had complied with the defections of the times, restoring them only through the gate of abject public penance, they were instructed "that they be cautious of receiving informations against the late conformists, and that they proceed in the matter of censure very deliberately, so as none may have just cause to complain of their rigidity." But what was a shameful connivance at defection in the covenanting parts of the country, was deemed an insolent usurpation in the episcopalian. Several of the individual acts of deposition or appointment were resisted by the people. In March 1691, the commission for the north went in state to Aberdeen to do judgment. They found there the most powerful people of the town and district leagued together by subscription to a bond, in which they obliged themselves not to suffer their ministers to be ejected. The commissioners were assailed by a rabble, and, requiring precipitately to depart, did not

* There is a list of these depositions, with the causes, among Wodrow's MSS., preserved in the Advocates' Library.

attempt to carry out their functions until three years afterwards.* Their sole satisfaction in the meantime was, that the provost of Aberdeen was imprisoned, and that three other citizens had to do public penance in the Tron, or pillory of Edinburgh. It indicated the difficulties of the ecclesiastical question, that the Privy Council were assailed with complaints of outbreaks in the west, against the church, for having too little of the Covenant, contemporaneously with these northern assaults on her for having too much of it.

In the midst of such discordant elements, it was difficult to deal with the principle—so dear to Presbyterianism—of the congregation's right to a voice in the appointment of a pastor; and King William, looking upon patronage as a question of property, was averse to touch it. At length, however, it was deemed necessary, even on political grounds, to attempt an adjustment of this matter; since, if it were dangerous to give something like popular election to congregations who might be discontented with the Revolution Establishment, it was still more dangerous to keep the full power of patronage in the hands of Jacobite lairds, backed by their immediate feudal followers.

On the 19th of July an act was passed for the adjustment of this question, of which it has been the peculiar fortune to exercise a living influence over ecclesiastical matters in the present day, and to have a connection

* Minutes of Privy Council, 23d June 1691. Considering its elements, the mob is rather oddly characterised. The commission "had not sat half-an-hour, when the house was surrounded with a great confluence of the baser sort of the people, consisting of tradesmen, students of the universities, and a rabble of other sort of persons, who, being come with hostile arms, such as swords, daggers, partisans, gunns, as also axes, hammers, and other weapons of that kind, filled the stairs, and offered by violence to break open the doors, which they attempted, and certainly had done, if the commissioners had not fortified the same within, for their own preservation. And in the meantime this multitude and rabble ceased not to cry and threaten that they would drag the commissioners out of the house, and stone them out of the town," etc.

with the most memorable events in the history of Scottish Presbyterianism. The measure in question, called "An Act concerning Patronages," appears, among the seemingly more important business of this active session, to have been carried with very little opposition or discussion. The presbyterian system had ever shown a strong jealousy of interference by the secular powers, whether magisterially or through the exercise of the right of property, in matters deemed ecclesiastical. Where it did not insist on the church having the sole right of dictation, it conceded to the laity only a power of selection as to the individuals to whom they might ecclesiastically be subjected. To illustrate the distinction: Where the right both of the government and of individual proprietors, in the appointment of the clergy, has been repudiated, a privilege has been conceded to the people to decline the ministrations of a pastor inimical to their tastes or prejudices. The laity were to have no power, direct or indirect, either in bestowing the clerical character, or in appointing its general field of exertion; but they were entitled to indicate their wants and desires, and to keep themselves free of the ministrations of any individual generally unacceptable to them.

The right of patronage, which had descended from the founders of ecclesiastical endowments, or had been otherwise acquired, had thus always attracted the hostility of the presbyterian church, and was never suffered to exist, at least in full efficacy, when her principles predominated. The right had been restored with the hierarchy in Charles II.'s reign, and now it was to be recalled, but with conditions which showed a spirit of equity and forbearance. It has been much disputed whether this measure was properly to be named an abolition of patronage, or an arrangement for facilitating the extinction of patronages by compensation to the owners. The first clause certainly abolished the right very distinctly. The

sovereign and Parliament "considering that the power of presenting ministers to vacant churches, of late exercised by patrons, hath been greatly abused, and is inconvenient to be continued in this realm, do therefore, etc., hereby discharge, cass, annull, and make void the foresaid power, heretofore exercised by any patron, of presenting ministers to any kirk now vacant, or that shall hereafter happen to vaick within this kingdom, with all exercise of the said power; and also all rights, gifts, and infeftments, acts, statutes, and customs, in so far as they may be extended or understood to establish the said right of presentation." And it appeared only to make the intention of a complete and unconditional abolition the more distinct, that there was a saving clause of the rights of clergymen presented under the old law. Having thus apparently removed the right of patronage, the act proceeded to supply a substitute. It provided that, on the occurrence of a vacancy, the heritors or landowners in country parishes, and the municipal corporations in burrows, along with the elders of the church, were to propose a person in holy orders to the congregation, who were either to approve or to disapprove of him. The disapprovers were to intimate their reasons of disapproval to the presbytery; and they having judicial authority, where the parishioners were parties, were to consider the merits of the objections, and to decide whether the person should be selected clergyman of that parish or not. It is important to observe that this measure did not stretch to the full length of denying lay authority, for the presentation was only taken out of the patron's hand to leave it with the heritors and the kirk-session. The former were sometimes few in number, or units—in many cases the original patron was the sole heritor—the elders generally amounted to three in number. On the other hand, however, the act did not fully admit, as the presbyterian system sometimes has done, the full extent

of the right of the congregation to decline the pastoral superintendence of a person offensive to them, since it only conferred on them a right to plead their objections before the presbytery as the tribunal having power to decide.

So far the act seemed to abolish patronage, and deliberately substitute another system of presentation. But this act, as if it had been put into shape by two separate classes of people, with different or opposing opinions and interests, contains other clauses which have been held to show that it was not an abolition of rights of patronage, but merely an arrangement for enabling them to be sold. These clauses provide that for each patronage a sum of six hundred merks shall be paid. It appears, on a first perusal, that the expected difficulty must be in getting the patrons to part with their right for so small a sum,* as arrangements are made for its being proffered and consigned into the hands of a respectable person, if the patron should refuse to receive it. On the other side, however, there is a provision for the patron exacting payment of the compensation-money from the persons appointed to advance it.† On the whole, the

* The amount of compensation appears to have been the only matter disputed—one party proposing 900 merks, the other, which carried the house, 600 (about L.35, 5s.)

† The compensation clause of the act is in these terms: "And in lieu and recompense of the said right of compensation hereby taken away, their Majesties, with advice and consent foresaid, statute and ordain the heritors and liferenters of each parish (and the Town Councils for the burgh) to pay to the said patrons betwixt and Martinmas next, the sum of 600 merks, proportionally effeiring to their valued rents in the said parish, viz., two parts by the heritors and a third part by the liferenters, deducting always the patron's own part effeiring to his proportion as an heritor; and that upon the said patron his granting a sufficient and formal renunciation of the said right of presentation in favours of the said heritors, town council for the burgh, and kirk-session; and it is hereby declared that, as to the parishes to which their Majesties have right to present, upon payment of the 600 merks to the clerk of the Treasury, their Majesties shall be fully denuded of their right of presentation, as to that parish. And as to other patrons, if they refuse to accept the said 600 merks, the same is to be consigned in the

nature and object of the act is, to one who does not enter on its perusal from any one of the presbyterian bodies, or from either side of the great patronage question, extremely perplexing. It remains to be said that those for whom it was carried seem scarcely to have known how to put it to use, as the patronages for which the six hundred merks were paid were very few; and as the act, notwithstanding its distinct reference to patronage as a thing abolished by it, required the patrons to make a formal renunciation of their right on payment of the compensation, it was held that where this compensation was not made, it remained untouched.

Whatever might be the merits of any measure abolishing or modifying patronage, the Revolution establishment was not in a good condition for affording it free operation. The general assent of the Christian community to receive the pastor offered to them, was a natural condition of the primitive church. The pastor, in the midst of heathen people and principalities, could only keep his flock through their devotion to his person as well as to his cause. This condition naturally revived in the age of Scottish persecution. It was useless to ask if the followers of the covenanted clergy of the seventeenth century assented to the call. They proved their devotion, as well as their assent to the preacher, whom it was fine, imprisonment, or possibly death, to hear, by the unequivocal fact of following him. But when the church was established in

hands of a responsal person in the parish, upon the hazard of the consigners, not to be given up to the patron until he grant the said renunciation; allowing, in the meantime, the heritors and kirk-session to call the minister, conform to this act. And ordains letters of horning to be direct, at the instance of the patron, against the heritors and others, who shall not make payment of the said 600 merks, after the said term of Martinmas next, and likewise at the instance of the heritors and others willing to pay, against those who are unwilling; and in case the patron be unwilling to accept the said sum, or the heritors and others aforesaid unwilling to pay, ordains letters of horning to be direct, at the instance of their Majestys' solicitor against either of them."

the character which it held under the Revolution Settlement, the conditions were completely changed, and the popular element was often undesirable, and sometimes ruinous. Had she been, what of course every church desires to be, catholic, one and indivisible, with neither rivalry nor dissent, she might have communicated the privilege of personal dissent to the flock which gave a general ecclesiastical submission,—she might have desired with prudence that those who acknowledged the absolute Divine authority of the church as a body, should have a right of selection among her clergy by indicating a preference of one over another. The church claimed such authority; but under the eternal laws of that protestant right of private judgment which her founders had established, she could not obtain it. Her standards professed her entire spiritual control over the subjects of Scotland, and her right, by discipline, to bring them within her pale, there to be subject to her authority and enjoy her privileges. But as the authority could not be enforced, it was not safe to encourage a wide and free distribution of the privileges.

In the western shires the people would only support the violent clergy of the old covenanting school, who refused all oaths or testimonies of conformity to anti-covenanting governments,—railed at their moderate brethren,—and impugned the acts of the high judicatories of the church as illegal and unrighteous. They thus fostered those whom the majority of the church desired to keep powerless, and gradually, if they became too influential, to cut off and leave in isolated dissent. It was clearly not the interest, therefore, of the church to encourage the popular element in congregations thus influenced. Then, when they looked across the Tay, they saw a population just gradually, by the church's influence and that of the government, losing their predilection for Episcopacy. If the popular element had its range, it

would counteract these exertions; and it was sometimes desired by Jacobites, for the purpose of keeping alive a clergy virtually episcopal, within the pale of a church presbyterian in its outward form. We shall see that as there were covenanting tumults in the west against the jurant presbyterians, so there were semi-Jacobite riots in the north to aid the episcopal remnant. Indeed, especially at the accession of Queen Anne, the popular call in the north was frequently worked for the re-introduction of Episcopacy.*

Among the triumphs which the church achieved, must be counted an act of 4th July 1690, requiring a test to be taken by professors in the Universities, and appointing visitors for weeding out from these institu-

* See account of the proceedings of the Parliament of Scotland which met at Edinburgh, 1703, p. 49. Wodrow has left some curious notices of the principles on which the act was drawn; and if what he says be authority on that head, it also shows that the expectations of its authors were not fulfilled. "In conversation with the late Lord-Advocate, Sir James Stewart of Gutters, anent the Act of Parliament abrogating patronages, and declaring the share of heritors and elders in what is now termed calling of a minister, he told me that he did draw the act. There were with him two lawyers, and there were three ministers advised with—Mr Gabriel Cunningham, Mr Hue Kennedy, and Mr Rule. He tells me that their design was to bring the matter of settling ministers as near the ancient χειροτονια as the circumstances did allow of this time. That they were carefully cautious not to bring the heritors and elders in the patron's room in the matter of presentation when the patrons were abolished, which, in his judgment, had been as great, if not worse slavery, and one establishing I don't know how many patrons in the room of one. And, therefore, they were very careful to abstract from the word 'present' which might have imputed something like this, and of desiring to put in the word 'propose' in its room. That he wonders to see ministers and most part of persons confound thir two, and suppose that the heritors and elders are now in the patron's place, when they only are to propose and the people approve; or, if they disapprove, give their reasons to the Presbytery, who are finally to determine in the matter. The presentation was entirely abolished either in one person or in many, and the choice lodged in the hands of the people at the determination of the Presbytery. He adds, farther, that when the draught was read in Parliament, Sir William Hamilton, afterwards Lord Whitelaw, speaking on it said he liked the draught well enough, but would have somewhat added, 'for,' says he, 'what this Parliament abolishes, another Parliament may establish,' and therefore he proposed that a bar might be put upon any restoration in time to come.

tions the enemies of the new settlement. It was provided that none be admitted to chairs or allowed to continue but such as "acknowledge and subscribe the Confession of Faith, swear and subscribe the oath of allegiance, and submit to the government of the church now settled by law." This was the first of a series of measures which hoarded up a subject of dispute for the present century. The professors of the Universities were well known, like the dignified clergy, to favour the late and dislike the new government. Nothing was more natural than an attempt to counteract the influence of such opinions over the educated portion of the rising generation; and though, of course, the sufferers and their friends complained, the ordeal to which they were

After a little reasoning upon the way of doing it, it was agreed it could only be by way of renunciation for ane equivalent determined by the Parliament, and the patrons obliged to take that, and so the act was remitted to the same persons to cast to this clause, which they did in the terms it now stands in, and brought in the 600 merks to be paid by those that are in the cess-roll as the most obvious rule of payment, but never dreamed of making the cess-roll any standard for voters in the matter of a minister, but designed it only for the payment of the 600 merks; and it had no relation at all to the former part of the act anent the choice of a minister, which they designed for to seem as presentations might be entirely out of door, and the people's voice as much as might be had in the choice."—*Analecta*, i. p. 275–6.

Information on the operation of this act was given in the following terms to a committee of the House of Commons:—"*Q.* While the act 1690 continued in force, how many parishes obtained renunciations from the patrons by making payment of the 600 merks?—*A.* There were only four parishes, Cadder, Old and New Monkland, and Strathblane; and as to this last parish it was afterwards decided that the person from whom they had purchased the renunciation was not the proper patron, and the church is still patronate.

"*Q.* Was this right on the part of the heritors to come into force when the act passed?—*A.* Yes.

"*Q.* From what cause was it that cases in which renunciations were obtained were so few in number?—*A.* It arose from this, that the parishes had the benefit of the act at once, without making payment of the 600 merks to the patrons; and the patrons who had power by act to compel the parish to pay, it is understood had always hopes of getting the act repealed, and so did not press for payment, and so matters went on till the Act of Queen Anne."—*Report of Select Committee on Patronage*, 1834. *Evidence of Alexander Dunlop, Esq.*

subjected was by no means harsh or tyrannical when it is viewed as the act of a victorious political and religious party. The anti-revolutionist professors complained that they were treated with insult and indecency. The impetuous Craufurd was at the head of the visitors, and he probably found it difficult to keep his temper in the presence of malignants; but in a historical view, the proceedings cannot be charged with great harshness. The test was not so strict as it afterwards became. The Confession of Faith was nominally in force under the late reigns. The professors were only required to subscribe it, and there have been people able to see a distinction between simply signing a document, and subscribing a statement that they believe in it and adopt it as their faith. They did not promise conformity to the presbyterian system, and adoption of its worship, but merely submission to its existence as a legal establishment. In the test, however, as subsequently strengthened, the attestors had to subscribe and acknowledge the Confession as the confession of their faith, and obliged themselves to practise and conform to the worship of the presbyterian church, and submit to its government and discipline.*

The Revolution test had thus the merit that it did not necessarily drive forth those who chose to accept the Revolution Settlement, though they might not belong to the presbyterian church. Several professors of the episcopal persuasion kept their chairs, and the principal of King's College, in Aberdeen, was an episcopal clergyman. Some professors were driven forth, and had any of them been men of commanding genius or great erudition, the proceedings of the commission of visitation might have been counted a scandal to the country; but none of them left names sufficiently emi-

* See farther notices of the test, as thus altered and enlarged, in connection with the Treaty of Union.

nent to tempt an ambitious posterity to decorate history with the narrative of their sufferings. One of them—Dr Alexander Monro, principal of Edinburgh University—however little he may be known to a distant posterity, can scarcely, however, be said to have submitted to his lot in silence; since, taking up his abode in London, he there published a multitude of disputative and sarcastic pamphlets against the Presbyterian Settlement, which he dared not have issued in Scotland. The only truly great man among the episcopalian professors was Dr David Gregory. Though he would not conform, he was wisely spared; but he felt his position uneasy, and sought a more congenial sphere of usefulness in Oxford.

CHAPTER VI.

Progress of Ecclesiastical matters resumed—King William and Ecclesiastical Independence—Comprehension project for uniting the Episcopal clergy to the Establishment—A General Assembly on the subject—Oath of Assurance, and its effects on both sides—Carstairs and the Assembly—Outline of the new Church Polity—The Comprehension Act—Dealings with the Episcopalians, conforming and non-conforming—Progressive Statistics of the two Churches—The Highlands—The Revolution Clergy—The Literature and Attainments on both sides—The Covenanting Martyrology—An instance of Intolerance.

Though the Revolution Government established the Presbyterian Polity, the king and his advisers were, it is evident, prepared at the outset of the system to keep the church ever conscious that she was controlled by the state, which embodied and protected her. Indeed, the king speedily showed that he had notions of ecclesiastical subordination which must undoubtedly bring him into collision with presbyterian views of independence, even in their most modified form.

The supremacy was sternly asserted in the great question of the calling and adjournment of the supreme ecclesiastical court. The Assembly did not meet on the day when it had been appointed to re-assemble in 1691. It indeed held no meeting which it has acknowledged by publishing a record of the business until the year 1694, and was, in the meantime, disposed of as the king deemed fit. Occasionally there are meetings appointed, then they are adjourned by proclamation, because the time turns out to be inconvenient for the attendance of the Commissioner with his Majesty's instructions, or for such like reasons. A series of the letters and proclamations connected with

these shiftings has at first sight a capricious aspect; but it is easily seen, on examination, that it was not in caprice, or indolence, or haughtiness, or any other of the irrational or impulsive motives of princes, that the saturnine monarch acted, but on a stern sense of duty. In the midst of his wars and difficult European diplomacy, he was unable to take that personal cognisance of the proceedings of the Assembly which he held it his duty to take; and not deeming their operations so important as those of the Legislature, he required them in some measure to await the fitting time for his co-operation.*

It was by itself a matter of moment to the church that, if the meetings were ostensibly adjusted according to the royal will, there should be still no absolute dispersion, but a time named in each dissolution or adjournment for a re-assembling to take place. The thread of the continued existence of the ecclesiastical court was thus kept up, and as it had not formally acknowledged the right of holding Assemblies to be in the crown, a day might come when the essential privileges of the church might be maintained and established. In the interval between the two recognised Assemblies, however, there was a break of this continuity, accompanied by imminent

* Thus, in a letter to the Council, dated St.-Quintin, 7th September 1693, he says: "Whereas the real good of our people, both in their religious and civil concerns, is, and ever shall be, very dear unto us; and that we are hopeful that the meeting of a General Assembly of the church of that our ancient kingdom, may contribute thereto, we have thought fit to appoint a meeting thereof to be at Edinburgh, the 6th day of December next ensuing." But on the 24th of November he writes, directing a second adjournment to be proclaimed, "We being detained beyond our expectation from Britain, and hoping that a delay may be more for the advantage of the church in that our ancient kingdom, and the good of our service, because thereby we shall have time fully to instruct our commissioner, and matters may be in more readiness and better prepared." The method of summoning and adjourning was by letters to the Privy Council, who issued proclamations. These proclamations abound in the collections of broadsheets in that day. They are addressed in the usual peremptory style to the Lyon King-at-Arms, and his sequela appointing the ceremony to be performed by sound of trumpet at the market-crosses of Edinburgh and the other head burghs.

risk of a rupture between the crown and the church. William kept in view the fact that the Episcopal clergy were now removed from the districts mainly inhabited by Presbyterians, and he thought there was serious difficulty, if not cruelty, in attempts to dislodge them from those where Episcopalian flocks, devoted to their pastors, preponderated. He had it much at heart, that if they conformed to the government, and accepted the Confession of Faith, these clergymen should continue unmolested in their charges. He afterwards had this effected by act of Parliament to the extent of retaining for them their benefices; but he now desired that they should be constituent members of the new ecclesiastical system, and that the Assembly should invite them to come within its bosom.* The Assembly before whom this proposal—not of a kind likely to be generally acceptable—was brought, sat for a month; but so unsatisfactory were its proceedings to any party, that they were blotted out of the precedents of the church; and the acknowledged acts of the Assembly, omitting the existence of such a meeting, stride from the Assembly of 1690 to that of 1694.

This Assembly met on the 15th of January 1692. It appears to have consisted of 111 clergymen and 54 ruling elders, or lay representatives. The roll of members forms

* The English prelates whom William consulted naturally took much interest in this comprehension plan. In Archbishop Hoadley's common-place book, was found a copy of the project, as adjusted by Lord Tarbat, afterwards Earl of Findlater, for some time Secretary of State in Scotland. It stated that "Orkney, Caithness, Ross, Murray, Aberdeen, Brechin, Dunkeld, and the greatest part of Dunblane, are provinces where the ministers are good men and well beloved of the people, and have owned their majestys' government." This last assertion is not quite correct. The document recommends that the episcopal ministers there, and in four presbyteries in the south, be assumed, "and no more be assumed at this time." Tillotson marked this as containing "the most likely proposal" yet offered. The archbishop stood under heavy reproach among his high church brethren, as having given his influence to establish the presbyterian system in Scotland. His biographer, while printing the document just cited, vindicates him from the charge.—*Birch's Life of Tillotson*, 308, *et seq.*

a sort of topographical analysis of the strength of the Establishment. It is constructed in the shape of a list of the local bodies that ought to be represented, with a blank for the name of each representative, filled up when he appears. Thus all the districts south of the Forth and Clyde present a well-filled list—some of the burrows only, as Haddington, Annan, and Lochmaben, failing to send ruling elders. As it moves northward the list of names grows thinner, and at last leaves a skeleton ecclesiastical topography—the presbyteries of Elgin, Strathbogie, Abernethy, Aberlour, Chanonry, Tain, and Dingwall, occurring in succession unrepresented.

Many things occurred in this Assembly scarcely consistent with the principle of ecclesiastical independence, —for instance, in the Commissioner meddling with the business, and sometimes suggesting the decision which he thought the members ought to give on private and personal questions. But the chief object of interest and importance was the king's letter, desiring them to receive within the bosom of their church the Episcopal ministers ready to conform by signing the Confession of Faith, subjecting themselves to the authority of the ecclesiastical courts, and taking the oaths. He stated that he had already communicated his desires in this matter to the Commission, who had made fair indications of good intention, but had, as yet, done nothing to further his object, and he now, in more urgent and peremptory fashion, desired it to be taken up.* The Commissioner,

* In this remarkable document he says: "It is represented to us that you are not a full General Assembly, there being as great a number of the ministers of the Church of Scotland as you are, who are not allowed to be represented; though they were neither purged out upon the heads mentioned in the act of our Parliament, by the general meeting, or their delegates, nor by the last General Assembly, during which time there was no stop put to your procedure or tryals; yet we have signified our pleasure to these conform ministers not to insist upon that point, but to apply to you in the terms of a formula and declaratory, which we have delivered to our commis-

Lord Lothian, followed up the spirit of this letter in his own way. He made a speech in a kindly careless spirit, as if there were some small jealousy between the two ecclesiastical parties, which sensible men would readily see the propriety of bringing to an end. He admitted that Presbyterianism had received hard usage, "yet," he said, "that should be no hindrance why those should not be cordially received into the government who are already in the exercise of the more essentials, with this double advantage—both to strengthen you considerably, and leave the others without so much as the hopes of either party or abetters." With a liberality that can scarcely have been acceptable to his hearers, while censuring the Scottish bishops, he commended those of England for their "recent testimony of faithfulness." On the whole, his address was not fitted to aid the influence of the king's distinct and emphatic letter.

Perhaps it was not to be expected that a body of churchmen could do what the king desired of the Assembly. They remained in a state of taciturn obstinacy, proceeding with matters of detail and leaving the great question untouched. Sometimes they came very close

sioner; being rather inclined that this union may be the more effectual and cordial, that it should be an act of your own to receive and assume into church government and communion with you such as shall address to you in these terms and subscribe the Confession of Faith, which clears the soundness of their principles as to the fundamental articles of the protestant religion. 'We do assure you it is not our meaning or intention to impose or protect scandalous ministers. And though there is more caution necessary in the admission of persons to sacred orders, than allowing that share in the government of the church which is consequent to their ministry; and that scandals are neither to be presumed nor lightly sustained against presbyters; and these ministers having, some months ago, applied to the Commission, you might have had opportunity to understand their circumstances; and if anything scandalous should hereafter appear, they ought then to be turned out, notwithstanding you now receive them. By all which, a trial in order to this union at present does not appear very necessary; yet for your satisfaction in that point, we will not desire you to admit any that may apply against whom there shall be a relevant accusation, instantly instructed by sufficient legal proofs. But where no sufficient probations are adduced, we

to it. One clergyman, who had been under the episcopal dispensation, prayed for communion with them; but it was as a convert, who complained that he had been led astray in early youth, before he had acquired discernment; and after long explanation and sincere avowals of penitence, he was admitted, "the moderator exhorting him to due reflection upon his former way, and to carry himself humbly and stedfast for the future." Addresses were presented by some bodies of the conforming episcopal divines, following up the king's letter, and desiring to be admitted to communion with the church. They bear generally to have been read by desire of the commissioner. They were remitted to committees, and we hear no more of them, the Assembly ostensibly occupying itself very busily with detail business connected with individual charges. After a month thus spent, the commissioner addressed the Assembly with reproaches for having been so long assembled without showing any inclination to that unity with their brethren for which they were convened, and then, in the king's name, dissolved the Assembly. In the previous dissolution the day for another Assembly convening had been fixed.

judge it just and necessary that you should admit those who apply, and are not found scandalous, and that the trials be in open Assembly; and such as are not justly found guilty, to be received before the General Assembly rise." Should the cases for inquiry be too numerous to be overtaken by the Assembly, he proposed that they should appoint two commissions—the one for the north, the other for the south of the Tay—and he said, "That the trials may be more impartial, expedite, and unsuspected, we think fit that one-half of the commissioners shall be of you, the old presbyterian ministers, and the other half of those ministers who formerly conformed to Episcopacy, and are now to be received by you." This explicit communication ended with an assurance of support to the presbyterian Establishment: "We do likewise renew to you our assurances of our firm inclinations to protect you and to maintain presbyterian government in the church of that our kingdom, established by law, and that we will not suffer encroachments or novelties to be intruded upon it, and we do expect that you will rest and depend upon this." —*Register of Actings and Proceedings.* The MS. was inspected by permission of Principal Lee, by whom, while these pages were passing through the press, the "Register" has been printed.

Thus the body was kept in existence, and an opportunity was given for the moderator or chairman echoing the terms of the commissioner's adjournment, and appointing the same day for re-assembling. But here the dissolution was unconditional. The moderator asked the commissioner if the Assembly were dissolved without the appointment of another. The commissioner answered that his majesty would appoint another in due time, and give sufficient notice of the event. Crighton, the moderator, then stood up. He was told that he could not be listened to as representing the Assembly, but as a private person. But he proceeded, after a well-toned preamble, full of respect and gratitude to the king, and conveying a dignified declaration of the church's desire to obey the royal commands in all things lawful, to say for himself and his brethren, "I, in their name, they adhering to me, humbly crave leave to declare, that the office-bearers in the house of God, have a spiritual intrinsic power from Jesus Christ, the only head of the church, to meet in assemblies about the affairs thereof, the necessity of the same being first represented to the magistrate; and farther, I humbly crave that the dissolution of this Assembly, without indicating a new one to a certain day, may not be to the prejudice of our yearly General Assemblies, granted us by the laws of the kingdom."

The moderator, supported by the applause of his brethren, took their vote on the next meeting, and fixed it for the third Wednesday of August 1693;* but no Assembly was held, or attempted to be held, on that day.

This abortive Assembly was speedily followed by an incident productive of bitter irritation and considerable injury to the church. It has been shown how the oath of allegiance, required immediately on the settlement of the Revolution, was overlooked by the Presbyterians in the

* Register of the Actings, etc.

feature of its incompatibility with their own principles, on account of the severity with which it smote their adversaries. But it was not safe to repeat an injunction so inconsistent with high presbyterian principles of spiritual independence; and that they should so effectively and repeatedly have irritated this extremely sensitive nerve of true Presbyterianism, shows, along with many other symptoms, how little either the Government or the Parliament were endowed with it, and how entirely they wore what they professed of it for political purposes. On the 12th of June 1693, an act was passed professedly "for settling the quiet and peace of the church," which, so far from having a pacific effect, began a series of signally bitter ecclesiastical contests, which these pages will have from time to time, as years of history pass on, to echo. To the oath of allegiance there had been added an oath of assurance. It was intended to meet the distinction between a king *de facto* and a king *de jure*, and to remove the means of subterfuge from those who swore allegiance to the existing king, as a calamity beyond help, while they reserved their prospective allegiance to the rightful king whenever his restoration could be accomplished or attempted. The oath was put to all civil and military officers, but with them it had no other effect than to make many perjure themselves, and a few conscientious persons resign their offices. In the church it would be difficult to say whether it was more disliked by the Jacobite episcopal clergy on account of its object, or by the presbyterian clergy on account of the method in which the object was attained. The oath should have been taken before the 20th of July in the preceding year, but the act enforcing it was tacitly disobeyed. The act for the peace and quiet of the church, however, brought the matter to a crisis by providing for the meeting of a General Assembly. This was a matter of offence in itself, since the clergy, chafed by the frequent sum-

monses and adjournments of the Assembly by royal proclamation, had here an additional Erastianism or assertion of state dominion over the church. It was for themselves to meet and become a General Assembly, not for Parliament to bring it into existence. But behind this there was a still more exasperating insult. The oath could no longer be tacitly despised, as the act for settling the peace of the church, in calling an Assembly, made the taking of the oath the criterion of membership. Henceforth it was to be by the government oath, not the ecclesiastical character, that those entitled to sit in the church courts of the Establishment were distinguished from those who did not belong to it. The difference between Presbyterian and Episcopalian was to be entirely merged in the distinction between those who took and those who refused the oath. The more this oath was looked at, the more offensive it became. Its object was, of course, found to be incompatible with the freedom of the church, seeing it was for the Assembly itself to decide who were entitled to be members, and to cast out from among them the unfit;—it was not for the state to establish a criterion of membership. When they went farther into the matter, their original dislike to interference was fortified in the clergy who leant to covenanting principles, by the logical difficulty of an oath to abide by that which, being subject to the will of man, was changeable. Their allegiance was exclusively due to their heavenly Head, and to the eternal truths embodied in the Confession or the Covenant. They could not offer it to a frail earthly power, which might change, and that in the direction even of enmity to the eternal truth of their allegiance.*

* The Rev. James Hog of Carnock, who remained a steady non-juror, but was otherwise a man of gentle temper and mild views, gives, in a pleasing and picturesque manner, the dawnings of his doubts. "He was," he says, "not to his remembrance, either thinking upon the question or entertaining any

Thirty days after the Assembly's meeting were allowed to the unqualified. If they then held out, they were to be deposed by the ecclesiastical courts, and to be deprived of their benefices by the civil. Here again was offence,—*not* so much in the very serious penalty which the civil court was to inflict, as in the Parliament taking upon itself to legislate for the ecclesiastical function of deposition.

The clergy had now been irritated and chafed in so many shapes, that their blood was fairly up; and those who knew them predicted a declaration of war when the long-suspended Assembly should meet. Carstairs, who had the interest of the king and the church both at heart, was seriously frightened. There was irritation on both sides; for, as we have seen, the time when the oath should have been taken had long passed by.* When

aversion from taking the oath, and might have been, for what appeared, easily persuaded to comply, a scriptural passage was borne in upon him with serene sweetness, yet also with the awfulness of a check, namely, 'Now therefore, why tempt ye God to bring a yoke upon the necks of the disciples, which neither we nor our fathers were able to bear.' The place had no connection with his thoughts at the time, when it was sweetly and powerfully suggested to him, yet by degrees he saw further into it, and his conclusion was thus: "In a word, he believes, and thinks no Christian can contradict it, that no unlimited allegiance is due to any creature; and when he was brought, upon after considerations, to remember that our covenant allegiance containeth the true and scriptural limitation of allegiance, that these covenants with the allegiance therein contained, were rescinded, and that in particular all limitations of allegiance, together with that of our covenants, were expressly condemned by law, and that these laws were left standing, and a new allegiance oath was put in the room thereof by our Claim of Right, he must confess he could not escape what he thought a just aversion from this new oath, which wanteth the scriptural and covenant qualifications, and leaves nothing else to qualify and limit it, save what were or might afterwards be the laws of the land. He thought the correlates pretty obvious in the case, viz. the sovereign swears to rule by law, and the subjects' oath (wanting the scriptural qualification or limitation) in correspondence therewith bears our engaging to obey according to law, and so imports some approbation of laws, wherewith he could not in conscience be fully satisfied; and yet as with his heart he approves the scriptural and covenant allegiance, so he ever was, and is, willing upon a just call to swear the same."—*Memoirs*, p. 7.

* By proclamation of the Privy Council, it had been postponed to 10th July 1693.—*Minutes.*

it was known that the Assembly was to meet, it was known also that its members would still resist, and that, instead of doing so tacitly and individually, they would stand forth openly and collectively, with such a testimony as would be a declaration of war. The king's advisers, however—Dalrymple and Tarbat—were resolved to push the royal supremacy. Some have charged them, on the occasion, with enmity to the church, and others with a mischievous desire to create a conflict; but perhaps their real position was the very common one with statesmen—a total want of sympathy with the sensitive character of the institution they were so roughly handling. The commissioner Carmichael saw the danger, and sent a flying post in time to have reached the king, and brought back an answer abandoning the immediate imposition of the test. Carstairs was absent from court at the moment, and the hostile councils prevailing, an answer was absolutely despatched, requiring the imposition of the oaths. Carstairs arriving soon after, discovered what had been done, and, intercepting the messenger, recovered the packet in the king's name. Towards a monarch of William's firmness and self-reliance, such an act showed the churchman's signal confidence in his own influence; but it was just with a ruler of his serene and strong judgment that such a deed, when really done by a wise man in the furtherance of a high duty, would be most apt to receive favour. The thoughtful monarch probably believed that the audacity of the act proved the sincerity of the agent, and, surrounded as he was by clever knaves, bold, single-purposed honesty was too valuable a quality to be lightly lost. After a rapid discussion—for there was no time to spare—the king yielded, and revoked the order. A slight delay would have ruined all. The morning of the 29th of March dawned uneasily for the friends of peace and the church in Edinburgh; for the Assembly were to meet that forenoon, and the

answer to the commissioner's appeal, expected the day before, had not arrived. The Assembly indeed had met, moody and resolute, when, like the symbol of peace, the messenger entered, bearing to the commissioner the fruits of Carstairs' courageous kindness.*

The Assembly proceeded to their proper business in good temper. They had naturally many serious arrangements to make, since the presbyterian church was yet much mixed up with a large remainder of the old episcopalian establishment, possessing privileges not accurately defined or admitted. They made a provision for receiving into the bosom of the church all "late conforming ministers," who should take, besides the Confession of Faith, an acknowledgment of the presbyterian government of the church, and an undertaking to submit to it; in short, for admitting all converts, without requiring of them the public degrading penances which the covenanting party would have imposed on them. The extent to which this act bore a character of liberality and charity, is measured by an apologetic allusion to the Covenanters immediately following it. The Assembly gave instructions to its Commission to take all due pains to inform, convince, and satisfy those who asperse the church with a de-

* The facts in general, as they are thus given in outline, are proved by the documents contained in Carstairs' state papers. In the memoir prefixed to the collection, the incident receives some touches of romance, which may or may not be true. It is said that, after seizing the packet, Carstairs rushed to the royal apartments. The king had retired to rest; but the confidential adviser overcame the scruples of the page in waiting, by explaining that he came on state business of instantaneous and vital importance. The king was awakened by his old friend kneeling in deep despondency by his bed. —He was a great criminal; he had forfeited his life; he had come to implore his gracious master to spare it. The king, much astonished, waited for an explanation, and got it in the history of the intercepted packet. He addressed himself at first with stern severity to the subject who had been so audacious as to counter-order the monarch and assume his functions; but, gradually softening, he extended to the prostrate criminal his forgiveness at first, and his hearty gratitude afterwards. It may be observed, that these beggings for life after the commission of some bold act of duty, are a common state anecdote, repeated in all ages and nations.

parture from its ancient standards. These were a numerous body even within the church itself. Probably it was a disappointment to them to find that the Assembly had not been driven to open war. The opportunity given to the old malignants, as they were deemed, to enter the sanctuary, would of course be deemed an additional backsliding. And yet, along with these conciliatory arrangements, the Assembly left one little mark of the determination they had formed to take up a hostile position on the qualifications. This was in the shape of an instruction to their inferior courts, not to censure or punish any minister for not having qualified himself according to the "act for settling the quiet and peace of the church." Thus, on the one hand, they protested that the taking of the test should not be a qualification for belonging to their own body, and, on the other, that its refusal should not disqualify those who spiritually belonged to them. However much this policy preserved the principles of the church in their purity, it was by no means calculated to increase its strength in a conflict with the Episcopalians, since it deprived itself of a test and the consequent means of detecting and driving them forth. From this time there was a full reconciliation between the established church and King William. The General Assembly met annually, and their proceedings were more of a beneficial and orderly than a noticeable nature. They showed, from time to time, much zeal in the education and Christianisation of the Highlands, and gradually arranged their own peculiar form of internal administration.

The ecclesiastical machinery thus established was of a simple character, and in its main outlines can be easily described and comprehended. It consisted of a gradation of legislative and judicial tribunals, rising not according to any difference of personal rank, but by the higher absorbing and concentrating the lower. The base of the

system is the Kirk-session in each parish, consisting of the minister and two or more elders. The elders are chosen from the male heads of families in communion with the church. When a vacancy occurs, or it is deemed expedient to add to the number of elders, a selection is made by the kirk-session as it exists, which is laid before the congregation, that if they have any objection to the person so chosen, it may be announced to the session and receive full weight from them. The next grade consists of the Presbyteries, now above eighty in number. Each unites an aggregate of parishes by including all the parochial clergy in the district, with an elder from each parish; and it is a noticeable feature that in their meetings, from several incidental causes, the clerical have always a majority over the lay members. The next grade is that of Provincial Synods, of which there are sixteen, each consisting of the component members of the presbyteries within its cincture. The General Assembly consists of representatives, clerical and lay, selected by the presbyteries, and from some other incidental sources. Its elements are adjusted from time to time by itself in its legislative capacity, but ever on the principle of giving a preponderance to the clerical members.

Thus the church was strictly republican. In its theory it equally rejected authoritative office within itself, and authoritative interference with it from without when exercising its strictly clerical functions. However much the fiction of a regal sanction to the General Assembly may have been kept up as a scene of pleasant pomp, no attempt has been made actually to exercise it in thwarting the internal arrangements of the Assembly since King William's reign.* The disputes between

* It is remarkable that in more instances than this the Revolution monarch exercised acts of prerogative which have not been repeated. He was, for instance, the last who exercised the royal veto in refusing assent to a bill which had passed both houses of the English Parliament.

the church and the civil power, in later times, arose not from a doubt that the church could manage matters ecclesiastical, but from the assertion, right or wrong, that she passed the bounds of her ecclesiastical province, and required to be checked by the law.

In her total isolation from state authority, however, it will be seen that the presbyterian church courted lay elements by the admission of elders to deliberate in the ecclesiastical courts. Adopting her own principle that she was the one true and universal church, she seemed thus to give security for furthering the interests of the community and avoiding clerical domination; and had she possessed the sole undisputed sway over the spiritual field of the country, the introduction of laymen would have been truly a representation of the interests of the people in the people's church. The church admitted lay intervention in another shape, which, if the people had been all hers, would have also formed a strong bond of popular union between the church and the flock in her keeping. This was the principle already noticed, that pastors must be more or less the objects of selection by their congregations.

The ecclesiastical history of the Revolution Settlement would hardly be complete were not these details wound up by a general view of the position of the Presbyterian and Episcopalian bodies, and the extent of their opposition and amalgamation. The group of tried old presbyterian ministers driven from their livings since the Restoration by persecution, was not large: it contained, as we have seen, about sixty members. To these were added those who had managed to retain their livings by bending to indulgence, and several who, ready to take orders, had been frightened from approaching the church by the evil tenor of the times. Beyond these, in the filling up of charges, moderate presbyterians could only look to the episcopal clergy called curates. Of these a certain

number were swept from their place in the general rush created by a political revolution. Many were signalised in the votes of Parliament, being deposed by the Convention for flagrant rejection of the oath to the new government. Afterwards, when the dealing with nonjurancy was transferred to the Privy Council, better fitted certainly than the Legislature for such a piece of executive business, the expulsions were more numerous and systematic. It appears that, commencing on 9th August, the Council, on 7th November 1689, had thus deposed 184 clergymen. In all ecclesiastical bodies, the unfrocking, as it is sometimes termed, of their brethren, is generally a very tedious process. When lay powers, however, riding on the wings of a political victory, undertake the task, they are apt to make short work of it. So did the Council where their authority came into action; but, as we have seen, this could rarely occur where the people themselves were attached to Episcopacy.

There was still another class of episcopal clergymen—those who were "rabbled," or driven out by the Covenanters of the western shires. These clergymen were in the places where they were least useful and most offensive. The bloodless character of the expulsion—attended though it certainly was by insults and outrages—has been already noticed as creditable to the fundamental character of the wild zealots into whose hands they fell. The conduct of the Legislature towards the men thus driven out, was more questionable in its honesty; since, instead of being the mercy or toleration of an opponent, it professed to be an adjustment by a power exercising authority over both parties. The 13th of April 1689, being the day when the test of an oath for the Revolution Settlement was first imposed, the removals by the Convention and Privy Council were subsequent to that date. Farther violence was then prohibited, and those driven out after the 13th were restored. The subsequent removals were of course trans-

acted with official formality, and any act of Parliament dealing with them would pronounce them good; but the forcible removals by the Covenanters, called the rabblings, had also to be dealt with. It would have been dangerous too critically to examine this sweeping popular judgment. Though all acts of violence, after the test had been established, were pronounced illegal, yet as to those clergymen who had suffered earlier, the act, describing them as ministers who had deserted their churches or been removed from them, simply enacted that the charges were vacant. The Jacobite episcopalian clergy, in their pamphlets, made a loud cry against this. They had justice on their side; and whoever has that, is listened to in this country. But if we compare the share of justice received by them on the whole, with that which their opponents and attackers received, it must be admitted that the injustice done to the party, however clear and distinct, was small in comparison with that which it had inflicted. Still the act, and the subterfuge in which it was couched, were a scandal to the Revolution Parliament. It was, perhaps, the only one act of meanness to be found in its proceedings, and it strengthened the appeals of those who maintained the episcopal clergy to have been martyrs of the Revolution.*

If any of the clergy thus rabbled out of the parishes

* Those who desire to go deep into the question of the fate of the episcopal clergy may consult the following pamphlets, to be found in collections of the fugitive literature of the period. They were chiefly the works of Dr Munro, the dismissed Principal of the Edinburgh University, who had taken refuge in London :—

An Account of the Present Persecution in Scotland, in several letters. London, 4to, 1690.

The Case of the present afflicted Clergy in Scotland truly represented; to which is added for probation, the Attestation of many unexceptionable witnesses to every particular, etc. By a Lover of the Church and his Country. London, 4to, 1690. (Attributed to the Reverend George Garden.)

A late Letter concerning the Sufferings of the Episcopal Clergy in Scotland. London, 4to, 1691.

The Danger of the Church of England from a General Assembly of

in the west, were sincerely inclined to conform to the Revolution Settlement and the presbyterian polity, they might offer themselves for the charges rendered vacant in a more solemn manner in the other districts; for there were many vacancies, and the temptation to conform was powerful. We have seen that the General Assembly of 1694 opened a door to their joining the Establishment, if they made up their minds to entire conformity; and so the church numbered, counting original adherents and conformists, a pretty compact body in the southern shires. But in the north, its church courts were still mere skeletons, and the deposed system had a majority of clerical adherents. It was perhaps a more serious difficulty to the church, that the landowners were against it; and, though they sometimes offered no opposition to the deposition of Episcopalians who would no longer draw stipend, they had great objection to see Presbyterian successors performing the functions and drawing the salaries.

We find the committee of visitation, already mentioned, complaining, in very strong terms, to the Privy Council of their abortive labours. They had deposed, they said, several ministers for gross scandals, who yet

Covenanters in Scotland, etc. By a True Son of the Church. London, 4to, 1690.

An Historical Relation of the late General Assembly held at Edinburgh, from October 16 to November 13, in the year 1690; in a letter from a person in Edinburgh, to his friend in London. London, 4to, 1691.

A Continuation of the Historical Relation of the late General Assembly, etc., 1691. (N.B. The account of the Revolution Settlement in Bishop Skinner's Ecclesiastical History appears to be compiled from these two pamphlets.)

A Letter to a Friend, giving an Account of all the Treatises that have been published with relation to the present Persecution against the Church of Scotland. London, 4to, 1692.

An Account of the late establishment of Presbyterian Government by the Parliament of Scotland, anno 1690, together with the methods by which it was settled, and the consequences of it, etc. London, 4to, 1693.

Presbyterian Inquisition as it was lately practised against the Professors of the College of Edinburgh, August and September, 1690. London, 4to, 1691.

continued their functions; they found that vacant charges were "intruded on," as it was termed, by disqualified clergymen, who could not be removed. Witnesses would not attend to give them information; those who held the keys of churches would not give them up; and, finally, the "exauctorate bishops" continued to ordain a supply of new clergymen for these illegal functions, and bodies of the unqualified continued to meet and act as judicatories, supplying vacancies, and performing the other functions of established church courts.*

This committee, in fact, when it proceeded a second time to Aberdeen, in 1694, to carry out its functions, was met and bearded by a diocesan synod of resolute episcopalian divines, who demanded a reference of disputes to a General Assembly of all the clergy, still conscious that they would command a majority. They sent a string of defying queries to the committee, to which that body made answer, that they must decline the discussion of propositions which "strike at the root of presbyterian government, and the present establishment thereof." The committee found in the district one old presbyterian clergyman, who had been a victim of the Restoration Government, and six of the northern clergy came forward and conformed,—thus forming, in the hitherto desolate north, a nucleus of presbyterian action.† Still, however, the espiscopalian clergy there had acted as a triumphant majority. They had not only individually retained their clerical position against the power of the new Establishment, but had given it synodical battle. Yet so ineffective were the judicatories, whether lay or ecclesiastical, to deal with these protestants against presbytery, that it was found necessary to pass a special

* Minutes of Council, 6th September 1694.

† The Queries and Protestations of the Scots Parochial Clergy, by a Layman of the Church of Scotland; London, 1694. Miscellany of the Spalding Club, vol. i., preface.

act of Parliament, to exclude those who had been most conspicuous among them from their benefices. The method adopted for making the act effectual, was the elaborate, but certainly effective one, of compelling them to live on the south side of the Forth.*

The north remained so destitute of ministerial functions from the newly-established church, that an act was passed in 1695, to enforce payment of a portion of the stated incomes of the clergy to temporary missionaries appointed by the church. It extended not only to the country beyond the Grampians, which was long supposed to be the stronghold of Episcopacy, but to all the counties north of the Forth.

Another act of the same session, however, did much more to procure clerical service to the people in the northern counties, and, by its fair and pacific character, may be balanced against the act which justified the rabblers. This measure applied to that considerable body which had not so conformed as to be admitted to the bosom of the established church. The act gave them an opportunity, by a partial conformance, of remaining in their benefices and performing their pastoral functions. It was overlooked that they had offered no conformity, and it was provided that, if they took the government oaths, and conducted themselves in doctrine life and conversation, as became ministers of the Gospel, they might remain in their charges enjoying the temporalities. They were to be there, however, merely as solitary missionaries, not as part of a corporate church. They were prohibited from continuing the spiritual succession. This prohibition sounds vain, since the hierarchy, who alone, according to their principles, could keep it up,

* Act of Deprivation against Mr Thomas Crevey, Mr Andrew Bennet, and Mr Alexander Thomson, 1st May 1695. An application to mitigate this sentence was refused, on 5th July; but subsequently the injunction was relaxed.

were abolished. But the restriction was not a mere empty form, for the bishops, though they required to be very careful, managed, in the northern counties, to perform their more material functions. The act provided, too, that the clergy favoured should not form constituent members of the church courts, unless they complied with the ecclesiastical requisites. This act was of great service to the Establishment in breaking the compactness of the Episcopal body in the north.

We now find the Protestant clergy of Scotland consisting of the Established Church, the Conforming Episcopalians, and the Non-conforming. It is impossible for any one to say how much the conscience of a fellow-being has to get over in passing from non-conformity to conformity, because it may be the satisfactory, decided step of conversion or conviction—it may be the unwilling movement of one who would rather be as he was, but yields to the general pressure and clamour around him —or it may be the act of treachery by which the thoroughly base man has sold all of his immortal part that he can sell.

It is easy, however, to show the mere external differences that have to be overcome in conformity; and it is curious to notice their character on this occasion. The Church of Scotland, even during Episcopacy, had no liturgy or authorised ritual—a point of distinction from the Church of England, which will be worthy of a fuller notice when we come to mention the connection which the English clergy subsequently had with the Scottish Episcopalians. During the reign of Prelacy the presbyterian church courts had not been broken up and resolved into separate diocesan divisions, but still nominally, and in some cases really, existed. There was still the kirk-session, the presbytery, and the synod, where, if it was held, the bishop presided. It might be said, then, that the question between the two systems was thrown

entirely on the principle, not the details. The parish clergyman, once in possession of his benefice, was the same person under the Hierarchy as under the General Assembly, but held office on a different principle. In the one there was not only the acknowledgment that it was lawful to have grades in the church, but the belief that this was the only legitimate means of imparting, by apostolic succession, the privileges of the primitive priesthood. The other denied the lawfulness of dignities, and threw all the power and majesty of the church into collective assemblies of men, individually admitting of no superiors. The episcopal body acknowledged the royal supremacy when exercised by the legitimate monarch. The dignities of the church, indeed, unlike those of the English hierarchy, were so entirely in the monarch's hands, to be dealt with as caprice or prejudice might direct him, that the English clergy, accustomed to more independence, wondered how their Scottish brethren could feel any love for a hierarchy so thoroughly enslaved to the royal prerogative. The Presbyterian Church, on the other hand, as we have seen, chafed angrily and resolutely against every touch of the Erastian chain. Such were the substantial differences in principle which the episcopalian clergy had to overcome, ere they could conform. A considerable number did so, and were admitted as members of the Establishment. Others, as we have seen, agreed, while they could not be part of a presbyterian church, to abjure all hostility to it, and give the usual attestation of loyalty. There remained still a considerable body, who would take no step towards conformity, and who were marked off as decided enemies of the Revolution Settlement. It was suspected that politics, not religion, chiefly governed their actions—that their zeal was not so much for the apostolic succession of the church, as the legitimate succession to the throne —and that their non-conformity to the new system was

a temporary sacrifice, to be well paid when the old one was restored. It is useless to attempt to weigh such subtle elements as the secret motives guiding two or three hundred men. But it is certain that they all resolved themselves into the Jacobite party, and were its staunch champions; and, so early as the year 1693, we shall find that they were in the pay of the exiled house. They kept to themselves their bishops, none of whom would be likely to conform to the Establishment and take charge as mere presbyters. In the southern districts, all the members of this party, of course, lost their benefices. It was otherwise, however, in the north, where they were not easily made amenable to the civil power, and the presbyterian ecclesiastical authority had not acquired a purchase, as it might be termed, whence it could work on them. In some presbyteries every clergyman remained non-juring Episcopalian, while the gentry were on their side, and the common people, though they took little interest in the purely religious parts of the question, ranged themselves with their feudal lords. Parliament required these clergymen to take the oaths, and the Privy Council denounced them as traitors when they refused; but it was only where flagrant acts of disaffection had occurred, that the civil authority could drag out special victims from a non-conforming district. In Aberdeenshire and the surrounding counties the clergy kept their benefices on the general understanding that they had come under the Act of Comprehension, though few of them had given this negative conformity, and the majority of them were thorough Jacobites. They did not, of course, send representatives to the General Assembly, and it was impossible to act against them in the local ecclesiastical courts, as they themselves were in possession of the offices whence these courts were constructed.

A manuscript preserved by the zealous Wodrow gives an analytical list of the episcopal clergymen who retained

their parochial benefices nominally under the comprehension act of 1695, down to the year 1701.*

These are naturally found most thickly clustered in the northern presbyteries. South of the Forth, there are only six in Haddington and Dunbar, four in Dunse, and two in Jedburgh. There are none in the south-western shires. Within the vast bounds of the synod of Argyle, the influence of its patriarchal potentate would naturally establish uncontaminated Presbyterianism, and the only exception is the distant isle of South Uist, where an Æneas MacBean is found holding the function to which he had been collated by the Bishop of the Isles. In Fife-shire the remanents are not numerous; but in the central counties of Perth and Angus they begin to thicken. In Aberdeen and Banff shires they are a numerous body, with the principal of King's College at their head. In some presbyteries they preponderate. In that of Turriff, Wodrow's condemnatory mark is attached to every parish, excepting one, which is vacant. In Elginshire and the north-eastern Lowlands they become fewer; but it is remarkable that many of the parishes seem there to be vacant. Thus, in the celebrated presbytery of Strathbogie, there are five names marked Episcopalian, two Presbyterian, while four parishes appear to have been vacant. In some parts of Inverness-shire, and the

* "Ane Account of the State of the Church of Scotland this present year 1701, showing what parishes are planted, and by whom. The ministers who are episcopall, and by law allowed to preach are marked," etc.—*MS.*, Ad. Lib., (32, 3, 6). Along with it is a list of the clergymen at the time of the Revolution, with their several destinies, which is frequently, in the south-western shires, "outed by the rabble." Wodrow's zeal sometimes prompts him to attach other notable characteristics to the names of the Episcopalians,—a very frequent one is "scandalous drunkard." The whole MS. is not in Wodrow's handwriting, but it bears his corrections. It might occur to the reader that the author has here the practical statistics of the position of the church, and that the exact number of presbyterian and episcopalian ministers respectively may be derived from it. But it is impossible to trust to such a statement in its absolute numerical proportions; it can only be taken as a approximation.

extreme northern districts, there is a decided Episcopalian preponderance.

In the controversies about Episcopacy, which will have to be noticed in the reign of Queen Anne, it was shown that, at so late a period as the year 1710, there remained north of the Tay, 113 clergymen of the abolished episcopal church. The minutes of the Privy Council, and other like records, down to the Union, abound with denunciations against them, which seem to have been uttered and repeated in vain against men supported by territorial power and local feeling. The popular elements of the extended presentation, and the congregational protest or veto which the theory of the presbyterian church adopted, were here parodied effectively against it. Armed resistance was offered against the removal of an episcopal clergyman or the intrusion of a presbyterian; and when the Jacobite incumbent had died, it was in many cases found impossible, until after a lapse of several years, to get a presbyterian successor firmly planted in his place.

It may be asked how it came about that within a century after the Revolution, when the generation of episcopal clergy which it found had all for many years departed, the majority of the people north of the Tay conformed with the presbyterian establishment. The answer to this question, unless farther inquiry should afford one more satisfactory, is that many of the Episcopalians of the north were rather conformists with the church government offered to them, than zealots for Episcopacy, and that when they found a Presbyterian system established and nationalised, they gradually, as the generations which had been brought up under Episcopacy died away, adopted the new polity. In short, the people of the south were zealous about church government, while those of the north were not. In estimating the difference between them, it is necessary

to keep in view that the creed under the two systems was contained in the same confession, and that the forms of worship were not distinguishable.

This amalgamation was aided by the identification of Episcopacy with Jacobitism, which rendered conformity to the Establishment a mark of the well affected; and by the accompanying adoption by the attached friends of Episcopacy, of English forms and ceremonies new to Scotland. Thus, as we shall have occasion afterwards to see more fully, the form of Presbyterianism expanded over the north without its spirit.

There was another part of the country, however, inhabited by a different race, where the presbyterian church was unexpectedly to find its most devoted, if not abject, followers.

The western Highlands, at that time desolate or occupied by a hostile force, became afterwards a fruitful garden of Presbyterianism. It is remarkable, that the Scottish branch of that Irish race among whom Popery has found its most abiding stronghold, and who acknowledge the power of the Romish priest in its greatest supremacy, are signalised among their fellow-countrymen by the unbounded deference they pay to the clergy of the presbyterian body to which they give their adherence. Their country was left during the disputes between the Protestant churches as a barbarous and unknown land, where a few of the Roman catholic clergy driven from the rest of the country found an asylum and a following, while the majority of the people remained almost pagan. When the presbyterian church sent its first missionaries to these wilds, they found, even in the spots where the earliest mission from Ireland had come to Christianise the north, practices partaking of ancient heathen worship; and their reports remind one of what a mission might at the present day experience among an oriental people retaining some remnants of ancient heathenism mixed with the instruc-

tions received by the Jesuit fathers who had been from time to time among them since the days of Xavier.

Before concluding this sketch of the religious settlement of the Revolution, a few words may be offered on the social and intellectual character of the Revolution clergymen. A glance at their literary position discloses the sad intellectual havoc of the age of persecution. The ministers of the Revolution were no more a fair specimen of the literary fruit of the presbyterian system, than the fugitives of a routed force are a fair specimen of the discipline and morality of an army. To neither branch of the protestant church did the wretched conflicts of the time permit sufficient peace for the cultivation of letters. It is not that high and fierce controversy generally leaves a church intellectually barren; on the other hand, it sometimes fosters the highest powers and draws their harvest into prominent light. It seems to have been the petty local character of the dispute, with its low malignity and sordid motives, that left the age so barren of distinction. In the great conflict of the Reformation, Scotland came forth with bright lustre, in the genius and high acquirements of men like Knox and the Melvilles, Arbuthnot and the elder Spotswood. All the universities of Europe attested the intellectual growth of the Scottish Reformation in Buchanan and Scrimgeour, the Johnstons, Craig, Napier, Gordon, Boyd, Jack, and a host of other names whose fame reached foreign lands from Scotland, or was sent home to their native country from the continental seats of learning which they adorned. All this glory was departed, and Scottish Protestantism had scarcely a representative in the republic of letters. Of the inferior, but still eminent, generation who followed the first reformers, and made the age of the Covenant, all the ablest men were gone. Baillie, the accomplished scholar and publicist, had departed full of years and honours,

just as the evil days of the Restoration began. The same epoch saw the departure of the popular favourite, the luxuriant Rutherford,—of Dickson and Cant; and the era of persecution began with the martyrdom of Guthrie. Henderson, Calderwood, and Spang were also among the departed; and Binning had been cut off in the flower of his youth and genius.* Nor, since Leighton and Scougal had departed, could Episcopacy boast of its distinctions. There was no theologian alive in Scotland at the era of the Revolution, whose writings have been admitted into the current theological literature of the world. Except the comparatively obscure productions of Fraser of Brae, Gilbert Rule, and Alexander Pitcairn, there are no works of that period on divinity, written by Presbyterian clergymen, which even their theological representatives at the present day would care to read. On the other side, Bishop Sage acquired an indistinct celebrity by his "Cyprianic Age," and other elaborate and tedious arguments on the great controversy of Presbyterianism and Episcopacy; but, along with the works of his coadjutor Annand, and some others by the non-juring clergy, they are more known to the collectors of curious, than to the readers of valuable, books. It is true that Burnet and Carstairs were both clergymen and both Scotsmen; but the fame of the former belongs to the

* From an authority which would be counted the highest in such a department of inquiry, the author received the following list of the more eminent clergy of the Revolution Settlement. Its general barrenness to the ear of the ordinary reader will only tend to confirm what is said in the text. Alexander Colden, Henry Erskine (father of the founders of the Secession), Robert Wyllie, William Traill, Patrick Cuming, David Blair (father of the author of "The Grave"), Gilbert Rule (principal of the University of Edinburgh, and author of many tracts), George Meldrum, William Veitch, John Anderson, Gabriel Semple, George Campbell, John Spalding, Patrick Simson, Matthew Craufurd, William Tullideph, James Fraser of Brae, John M'Laurin (father of the mathematician), William Dunlop, David Williamson, James Boreland, John Dysart, and Alexander Pitcairn (the author of several theological books written in Latin, which enjoyed some reputation abroad in their day).

English Church, and that of the latter was confined to the field of statesmanship, though he is reputed to have possessed great capacities, both as a writer and a scholar, had he found occasion to employ them.

It was, perhaps, from the very causes which made the church so barren in the fairer intellectual departments, that in another, of a far less pleasing character, the party which had been persecuted stands forth almost unrivalled. This is in the literature of complaint, remonstrance, and castigation, shown in the various testimonies of the sufferers, and their declamations against the tyranny to which they were subjected. Occasionally such remnants of this class of documents as protruded beyond the Revolution are quoted in these pages, and may afford a faint idea of a curious department in the world of letters, not without its attractions to those who admire a terse, strong, effective style, turned to the purposes of rapid and powerful declamation. These documents are rarely matched in earnestness and strength. The words are sonorous and abundant, yet never too many to enfeeble the stern fierceness of the writers' thoughts. There is a luxuriance of imagery—frequently scriptural—but it is always apt and expressive; and however coarse or irreverent it may be, it is never allowed to degenerate into feebleness or incoherence.

Along with this literary growth of persecution and controversy, is another of a sadder and sweeter character in the histories of those who suffered for the cause of conscience in the long dreary age of persecution. It required no literary merit to give interest to such narratives, and none came to the task. The best of them were written by a pedlar, whose unadorned descriptions of suffering and heroism convey a lesson to the heart which no genius or learning could strengthen.* And here natur-

* An excellent little treasury of this kind of literature, besides Walker's well-known Lives of Worthies is to be found in a collection of "The Dying

ally we are brought to the name of one who, in the opinion of many, is sufficient in himself to withdraw from the church of the Revolution Settlement the reproach of being illiterate—Robert Wodrow, the voluminous historian of The Troubles. Of the value of

Testimonies of some holy and pious Christians who lived in Scotland before and since the Revolution." The only copy which the author has met with bears to be published at Kilmarnock in 1806, but it is evidently a reprint. This collection is full of quaintnesses and oddities beyond the reach of caricature or even mimicry. As for instance: "The Swan Song: or the Dying Testimony of that old flourishing and great Christian, Princely Wrestler with his Master, and Valiant Contender for Christ's Truths and Rights and Royal Prerogatives,—James Masson." Nor is the substance of his testimony less quaint, though it has rather a tone of quiet sentimentalism than of wrestling and violent contention. On the covenant, which is the main topic of the testimonies, he says, "When I heard it first mentioned I thought my heart flyhtered within me for joy. Then thereafter several times and in several places I took it, as at Dumfries, Penpont, Kirkmaho, and Iron Gray, etc., which I never rued to this day, and hopes never to do. O, what shall I speak to the commendation of these covenants! If they were then glorious and bright, I believe that they shall be nine times as bright. And O the sweet times of covenanting I had likewise at communion in those days when the church was in her purity and the Lord shined on her; and in other places at the preaching of his word, which I cannot now tell over, being past my memory. But the back-looking to them now and then does not a little refresh my soul, as at Lochenkitt and Shalloch-burn, where besides the sweet manifestations of himself to my soul and the souls of many others then present, He was seen to be a wall of fire round about us defending us from our enemies," p. 46. The association with the places where peculiar sentiments crossed their high-wrought imaginations is a remarkable and interesting peculiarity of the experiences of the early Covenanters. Their wild, perilous life as dwellers out of doors, encountered as it was on grounds of high principle, and not in pursuit of some clownish occupation, appears to have made them singularly susceptible to the topical association which is so distinct a feature of meditative minds. They seem to have felt it without expressing its sentiment, and James Masson had evidently a good deal of the Wordsworth in him, though he could not pen his inspiration so well, and perhaps would not have desired to do so. Sometimes, however, these meditations assume unconsciously a rich poetical eloquence: for instance, "O the joyful days I have sometimes had sitting under Christ's shadow in his banqueting house of wine, delighting myself in his love, feeding and feasting my soul upon the hidden royal rarities of heaven, in such abundance as evanished all sense of spiritual want, and satisfied my soul to the full with the hidden manna, the fatness of his house, and the rivers of his pleasures, which had such a sweet relish, and such a cheering virtue as often caused me in the midst thereof to break into heavenly songs of joy and melody,"—Ib. p. 423.

his labours there can be no doubt. He set himself to the task of covenanting martyrology with a single-hearted zeal, and a protracted patience, to which the sustained literary ardour of a Gibbon or a Niebuhr could only furnish a parallel. He well earned the title of "the indefatigable." Besides his great work, he wrote an abundance of biographical memoirs, and set down his fugitive opinions and the more remarkable events of which he heard from time to time, in a diary or series of notes, second only to Pepys's diary in garrulous interest. The note-book of Wodrow, indeed, derives its peculiar flavour from the same source which confers so lively an interest on the journal of the candid secretary to the admiralty. It was the repository of his own secret communing with himself, and was not intended to meet the public eye.* The great source of entertainment in both, is in the weakness rather than the strength of the writer. Wodrow does not of course adorn his pages with the moral shortcomings which censorious human nature delights to find in the experiences of the well intending but frail secretary. His weaknesses are intellectual rather than moral, and consist in an inordinate credulity and avidity for the marvellous. His pages are crowded with ghost stories, dreams, visions, prophecies, portents, and miraculous interventions, which, like those in the lives of the saints, always have a tendency to elevate the cause he loves, confer substantial benefit on its champions, and overwhelm with calamity and dismay its opponents. His prejudice is as intense as his credulity; there is no height of excellence on his own side, and no depth of depravity on the other, to which

* The "Analecta, or Materials for a History of Remarkable Providences," frequently cited in these pages, were printed for the members of the Maitland Club. The original MS., in five small, closely-written volumes, is in the Advocates' Library, which has been enriched by a vast collection of tracts and state-papers, collected by Wodrow in the course of his zealous labours.

he does not give instantaneous and intuitive credit. Indeed, according to his principle, all people of the Episcopal persuasion are by nature blasphemers and profligates—cheats, drunkards, and incontinent—just as, on the other hand, all zealous Presbyterians are children of light and purity. Yet with all his bitter prejudice, few works are more truthful than his "History of the Troubles." Apart from the imputation of motives, and portraitures of private life, he spoke to matters which were before the day, and could not safely be discoloured. And it was his fortune that no language, certainly none within his capacity, could make the history more tragic to the one side, and scandalous to the other, than a bare narrative of events rendered it. The most valuable feature of the work is the quantity of documents it contains. But to its value literary merit contributes nothing, for it is difficult to conceive anything more destitute both of literary solidity and decoration than the style of the indefatigable Wodrow.

In several shapes, as will appear from time to time in these pages, the dearth of intellectual power in the church was felt throughout Scotland. One shape in which it seems to have acted in unison with the re-actionary influence of a high-toned fanaticism, was in filling the junior church with what might be called petty heresies. The students in divinity having no high intellects to overawe and direct the tendency of their studies and opinions, searched and thought for themselves, and frequently discovered what it was not intended or desired that they should discover. Hence in Wodrow's notes, and in the contemporary correspondence of the clergy, there is a perpetual tremour about lapses into infidelity and heresy. The departure of the old days when great men ruled absolutely over the intellect of the church is lamented, and they are sadly compared with the right-hand compliances and left-hand defections of the day.

The stiff-neckedness and conceit of young men, puffed up with ill-digested carnal knowledge, who audaciously set forth new doctrines unsanctioned by the fathers of the church, are sadly mourned over.* There was nothing in a quiet, moderately-endowed church, slumbering in the exhaustion of strong excitement, to call into existence a new host of commanding intellects; and so the inferior race went on with little earnestness of purpose, generally conforming, but in some measure prying about, and finding occasion to carp and doubt. The seeds which, in their ripening, brought on the Church of Scotland the reproach of lukewarmness, if not of a slight degree of scepticism, were thus sown in the re-action against stern fanaticism; and, indeed, it is apparent that for the first twenty or thirty years after the Revolution, many of the students in divinity had found their way to an imperfect belief, if not to infidelity.

Before leaving the account of the ecclesiastical settlement, occasion may be taken to record a tragical act of intolerance, committed in the year 1696, which does not conveniently fit into any department of this history, yet should not wholly be omitted. Thomas Aikenhead, apparently a student about eighteen years old, was charged with blasphemy. He had certainly uttered many offensive remarks, which would have been well met by the quiet scorn of those who heard them; and he seems to have been given to quibbling dialectics on sacred subjects, such as saying that "*The-anthropos* is as great a contradiction as *Hirco-cervus*, or a quadratum to a rotundum," and "puzzling and vexing" himself

* "They have been borne," says Wodrow, in one place, "under this bright light of the Gospel, and pains taken in their education, and they want not some measure of head knowledge, but their light eats out their exercise, and they rest, I fear, too much on their knowledge, and turn light, airy, and frothy, and wofully evaporate in questions and debates too high for them, and turn giddy and unstable, turned about with every wind of doctrine."—*Correspondence*, i. 53.

as he termed it, with "Paternitas-filiatio, and Hagio-pneumatos." If he very determinedly persisted in throwing his remarks in the way of those to whom they were peculiarly offensive, it would have been difficult to avoid awarding against him some punishment as a disturber of the peace; but he was actually tried before the High Court of Justiciary, condemned to death, and hanged. This cruelty was the more inexcusable as the youth, in two appeals, entirely recanted his obnoxious opinions, and professed his belief, in the fullest manner, in the principal doctrines of the presbyterian church, pleading his youth, and the perplexing influence of metaphysical studies too strong for his mental digestion, as the cause of his errors.*

It was not an age of deep religious convictions among official men, and it is impossible to get over the unpleasant belief that the youth was sacrificed to appease zealous cravings, in which those who were the instruments of his death had no participation, and with which they had no sympathy. The incident reminds one too strongly of a later scene in France, where, in Voltaire's day, and in the midst of deep-founded infidelity, some youths committed irreverent frolics, for which, instead of the whipping they might have merited, judges in high places sanctioned torture and death, to appease the priesthood.

* His case will be found in the "State Trials," xiii. 917, and in Arnot's Collection. In the "State Trials" a letter appears, attributed to Locke, with this remark: "The age of the witnesses is observable, and that none of them pretend, nor is it laid in the indictment, that Aikenhead made it his business to seduce any man. Laws long in desuetude should be gently put in execution, and the first example made of one in circumstances that deserve no compassion; whereas here there is youth, levity, docility, and no design upon others." In a letter from one of the Privy Council, also in the "State Trials," it is said: "I pleaded for him in Council, and brought it to the chancellor's vote. It was told it could not be granted, unless the ministers would intercede. I am not for consulting the church in state affairs. I do think he would have proved an eminent Christian had he lived; but the ministers, out of a pious, though I think ignorant zeal, spoke and preached for cutting him off."

CHAPTER VII.

Rise of a public-spirited Party—Influence of the Revolution on a new Generation—Fletcher of Saltoun and his Followers—Their mixture of Chivalry and classical Republicanism—Their unconsciousness of the Claims of the humbler Classes—Their Projects for Scotland—Depression of Trade from the English Navigation Act and Commercial Restrictions—Demands of Free Trade—Miscellaneous Events of the Reign—Death of the Queen—Party Changes—Internal Reforms—Penal Laws against the Roman Catholics—Scottish Habeas Corpus.

The statesmen of the Revolution Parliament in Scotland have often been pronounced signally deficient in high political spirit. We have seen that many of them were capable of the blackest treachery to the cause they had adopted; and many others, who had not avowedly strayed out of the path of honour, were believed to be corruptible. In the parties which swayed the government there was a want of a sufficient basis of sincere political or ecclesiastical opinion. Expediency and party spirit tempted many of them to adopt an ecclesiastical principle that was not sincerely their own. They were sincere in resistance to papal aggression, and to courts of ecclesiastical commission, or any other form of regal tyranny through ecclesiastical forms; but they were not sincere advocates of the presbyterian polity, which yet they consented to adopt. It was not because they entertained it themselves, but because they saw in it the strongest bond of union with a powerful and energetic portion of the public, that they reluctantly adopted it. Men acting on such motives had not the resolute singleness of purpose that accompanies sincerity, but were dubious, shifting, and

sadly susceptible to base influences. Professing outwardly to be governed by the loftiest and purest of all motives, religious fervour, they all knew each other to be conventional hypocrites; and as each believed that his companion was, in reality, led on by some other impulse than that religious one which he professed, so each attributed whatever baseness his malignity or his own self-consciousness might suggest to the motives of his neighbour.*

But it was impossible for so vast an event as the Revolution to sweep over the country without stirring up such elements of true nobleness as subsisted in the youthful heart of the nation. The wily old statesmen who had accustomed themselves to handle questions of religious domination or civil freedom, solely for the accomplishment of their own ends, found a younger race growing up upon them of men who said what they thought, and commanded attention, not by appealing to the prejudices of others, but by giving utterance to opinions which, whether sound or not, were their own. It is thus that civil convulsions and struggles for liberty teach a purer school of politicians for some succeeding generation than the practical men whom they make in their own times, for the lawless oppression they have resisted teaches them lawlessness and dishonesty in retaliation, and the practical strugglers against political iniquity are taught, to a certain extent, in the school they are destroying. The young race of politicians, now rising up, reaped the fruit of all the conflicts since the Covenant, and were now able to study them through the purer medium of political quietness. They took the tone of their opinions from the high-pitched sentiments of Milton and Alger-

* "In one word," says Lord Belhaven, writing to Lord Melville, "for what I can see, and to my sad regret, I see self-interest is heavier in the balance than the interest of either religion or country; and greed and envy predominate over love and humility, which is the judgment of the saddest aspect that ever befell a nation, and says we are not fit for a delivery."—*Melville Papers*, p. 70.

non Sydney, decorating the philosophy of freedom with abundant riches from the ample stores of the ancient classics. Their principles were naturally vague and impracticable enough, but they were placed in practical positions—they had votes in Parliament, and they could make speeches there—a novel privilege, in which they indulged to excess. In some shape or other they had to resolve their principles, which were a mixture of mediæval chivalry and old speculative republicanism, into detailed utterance; and thus they gave dignity and effectiveness to the last days of Scotland's independent legislature, and led the way to great events, even if they did not directly bless their country with much of the practical fruit of beneficent legislation.

At the head of this body of independent men was Andrew Fletcher of Saltoun, a man of high genius and stern courage, governed by a haughty, independent, and unmanageable temper.* His avowed principles had a strong tincture of classical republicanism, but his habits were domineering and aristocratic; and whatever he might have demanded of others, he was one of the last who would have willingly laid down any of the privileges he held by birth, education, or intellectual superiority. However much he would have shrunk from vulgar sacri-

* Fletcher was not a member of the Convention Parliament. He had been outlawed as a fugitive from trial, for his active part in Monmouth's rebellion, and had to remain in comparative obscurity until he was restored, on 30th June 1690, by act of Parliament. But a significant passage in a statesman's letter, shows that he was not idle. Sir William Lockhart, writing to Lord Melville, on 11th July 1689, in giving an account of the Club, or the nucleus of the Opposition, says, at the end of his list, "And no man, though not a member, busyer than Salton."—*Melville Papers*, p. 159. Lockhart, farther on in the same letter, says of the Opposition: "One of them said to myself that tyranny was alike wherever it was, and we were like to have as much tyranny under King William as under King James." This is very like Fletcher. There is a well-known anecdote in which he is represented speaking of an old acquaintance as a "hereditary professor." The expression was evidently used for effect. When the auditor expresses surprise, he says, "What say you to a hereditary king?"

fices to his levelling principles, he readily made those which were more heroic and tragic. Though he would have been an ungenial companion and fellow-labourer for burgesses or boors, he was ready at any time to risk life or fortune for their national independence. He had followed a life of strange adventures,—at one time fighting in Hungary against the Turks; at another, wandering in Spain among the monasteries, and collecting manuscripts about the constitution of the Cortes and the history of the Moors. He fought at Sedgemoor, and rendered his ungovernable temper memorable by seizing the mayor of Lyn's horse, and shooting its worshipful owner dead when he remonstrated. He was a man of handsome person and powerful rhetoric, endowing his republican sentiments in a chivalrous courtesy of demeanour, and easy flow of brilliant language. Altogether, few men have so united in their persons whatever was dignified in old classic patriotism, and in mediæval chivalry.

It may, however, be counted a remarkable test of the little reliance then placed on the common people, that one who had liberty always on his tongue,—who reviled tyranny, absorbing riches, profuse dignities, standing armies, and all the attributes of arbitrary power,—could devise nothing but predial slavery for the humble children of the soil. It is a marked feature of the day that the champion of liberty was the author of a pamphlet in favour of the restoration of predial slavery in Scotland. It indicates only the more strongly how far statesmen were from any reliance on the collective capacity of the common people for self-regulation or self-disposal, that the proposition was not made for the benefit of the higher classes, or for the accomplishment of any conventional selfish object, but literally for the sake of the poor people themselves, unable to bear the burden of self-support, and utterly helpless on the face of the earth, were they not in the hands of natural guardians awakened to a

sense of responsibility for their preservation and comfort. Thus, after rousing a republican feeling of indignation against a Cambyses or a Xerxes, a Tiberius Nero, Otho, or Domitian, he passes to the excellency of ancient servitude, and the careless content and happy comfort of those who, as property, were saved from being worthless enough to die of starvation; and who, by the provident institutions of the state in adjusting the rights and duties of their proprietors, were relieved from a precarious reliance on their own helpless efforts.

The immediately exciting motive to the promulgation of these startling views, was the intense misery spread through the country by the disorganising influence of the persecuting government, and the decay of trade and enterprise. He drew a horribly emphatic picture, frequently quoted, of the degraded and chaotic condition of a large portion of the people, living without law, organisation, or religion, unconsciously outraging every domestic restraint, and slaying each other without punishment or inquiry.* Even if it be exaggerated, as it seems to be, it affords a sad insight to the misery through which the country had been dragged by tyranny and intolerance. It was thus to remedy the miseries of the humble, not to increase the power of the higher orders, that Fletcher proposed the restoration of feudal slavery. And if any one desired to find how the communistic doctrines for remedying social evils by organisation and control, certainly lead to coercion and slavery, the perusal of Fletcher's harsh, ungenial pamphlet, with its unvarnished nomenclature, may serve the purpose.

It is difficult, after the mention of opinions so offensive, to restore the reader to the consciousness that we have before us the character of a bold, liberal, generous-hearted man. All his projects, however, had a tendency

* Second Discourse of the Affairs of Scotland.

to Utopianism; and it was the force of his general character, rather than the practicability of his suggestions, that made him a leader. It may be said, indeed, that his party, without practical objects, had a decidedly practical influence. They worked it in the questions of the day, by throwing their weight into the one scale or the other. However preposterous might seem the professed honesty of their principles to old statesmen trained in the worst schools of political morality, it was impossible systematically to despise a band who could set their mark on the legislation of a session. In their speeches and pamphlets there is, with many platitudes, much high thought, announced in rich, effective language, arranged with great purity and mastery of English idiom.

Whoever desires to contemplate the spirit actuating this party in its native state, undimmed by passing through secondary media, would do well to read a little tract by Fletcher himself, called "An Account of a Conversation concerning a Right Regulation of Governments for the Common Good of Mankind." As a piece of literary composition, it is singularly natural, easy, and pleasant, showing great powers, both rhetorical and dramatic. The author, walking in the Mall in a meditative humour, is overtaken by the Earl of Cromarty and Sir Christopher Musgrave. The three go to the Earl's lodgings to dinner, and there are joined by Sir Edward Seymour. Thus the author comes in contact with two wily statesmen,—the one of England and the other of Scotland; while Sir Edward Seymour represents the stiff, haughty, but honest old-world aristocracy of England, whose sentiments were exclusive and domineering, but not corrupt. The discourse held by these representatives of party and opinion is pleasantly set down. It is fluent without garrulity, dignified without pomposity, and even a haughty courtesy adorns the sarcasms or

angry retorts, without which a debate even on vitally interesting national disputes would seem lifeless.*

The three friends, looking forth upon the river, are induced to make reflections on the greatness and glory of the English capital. They have before them two of the noblest objects that can entertain the eye—the finest river and the greatest city in the world. Forming an amphitheatre of luxuriously comfortable edifices, it shelves to the sun, and unites all that conduces to beauty, health, and commercial enterprise. To this rich centre the county of Kent furnishes fruit; Hertfordshire and Cambridge corn; Lincolnshire, Essex, and Surrey send animal food; and Buckinghamshire wood for fuel. But, more wonderful than these natural supplies, the genius of the people lays the world under contribution to minister to its wants and luxuries. It brings coal from a distance of two hundred miles, and can show a greater variety of wines than the richest vineyard countries in Europe. In a word, all the useful and superfluous things that nature produces or the wit of man has invented, are to be found here, either made by the artificers or imported by the merchants. But, what is more wonderful than all, here are congregated a people who know how to be free yet orderly; and in such perfect security abides that mighty crowd, that the great city, without walls or guards, is as accessible in all hours of the night as the most inconsiderable village in less favoured lands. To all are added the historical associations of a great parliament—the national courts of law, which have resisted arbitrary tyranny

* When Sir Edward disturbs the tone of the conversation by a brutal jest on the poverty of Scotland, and the folly of England in consenting to an alliance with so poor a country, the author continues—"Upon this I turned to the Earl and Sir Christopher, and said that if Sir Edward had spoken these words in the House of Commons, I might not take notice of them, nor question his freedom of speech in that place; but since he is pleased to express himself after this manner in a private conversation, I shall likewise take the liberty to say, that I wonder he is not afraid such language should make us suspect him not to be descended from the noble family whose name he bears."

for centuries—and the great mercantile exchanges, whose movements affect the interests of all the world.

Such is the brilliant side of the picture; but there is a worm gnawing at the root of all this glory. Pride and luxury must certainly corrupt and render rotten the virtue which, in hardier times, raised up its greatness. The people are too rich, too reckless, too fond of pleasure and excitement, to retain the sterner virtues; and it is among the mountains of the north, where a hardy, independent race rear their scanty crop, that true virtue is to be found. Now come commentaries on Greek and Roman virtue, contrasted with the weaknesses that have undermined great bloated empires in ancient days. It is shown, after a style of argument so often imitated in later times as to be rather tiresome, that all great empires have their period of fructification and decay, and England has certainly come to the climax, whence her subsequent course must be downwards. Is, then, this dangerously colossal empire to take the small and poor, but virtuous, state of Scotland, with all the destinies which its native energy might achieve for itself, and suck it also within the vortex? Is his beloved native land, for whom her best sons are ready to bleed, to be joined with the evil fortunes of her neighbour, and fall without eliciting a blow?

He knows the necessity for a union, but it must not be an absorption. The countries may unite their strength, not their weakness; and this he deems to be only practicable by a federative union, in which Scotland preserves

The bitterness of this sting was in Sir Edward actually having uttered, in Parliament, a taunt so inconsistent with all our notions of his exacting pride and haughty reserve as the low sarcasm so retorted. It is thus reported by a contemporary, "Both Sir Edward Seymour and Sir Christopher Musgrave expressed their dislike to an union, which Sir Edward compared to a countryman that had a wife proposed to him without a fortune, and gave this reason for refusing it,—that if he married a beggar he should have a louse for a portion. This the Scotch have heard, and are very angry at it."—*Vernon's Letters*, ii., p. 408.

her nationality, protected from invasion by ample securities. It must be a contract between equals, not the dictation of a superior to an inferior. Nor in such an arrangement could it be said that Scotland has all the benefit. It may be more fairly said to be reaped by England, which, bloated and unwieldy, receives the support of a fresh, hardy, high-spirited nation, yet uncorrupted by wealth and luxury. When Scotland has protected herself thus, by sufficient stipulations, from English aggression and insolence, the enterprising spirit of her people will be turned from war, whether for aggression or defence, and will be directed in the paths of peaceful enterprise. Not great enough to be ruined by excess of riches and luxury, she will yet be rescued from the poverty and obscurity into which, as a dependency of a great and not friendly nation, she is likely to sink, and once more, with a name and a position in the world, she will fill them all the more happily that they are acquired by peaceful negotiation, and not by war. To such ends are the energies of the new patriot party in Scotland directed; and by patience, courage, and integrity, they hope, through the blessing of Heaven, to be able to achieve them.

The veteran statesmen conversant with corruption and intrigue, smile at the Utopian vision, and remind their companion that statecraft knows more rapid and effective instruments for accomplishing its objects than these high-toned virtues. This is taken as a hint that, by power and corruption, England will accomplish towards Scotland whatever her statesmen desire. The challenge is taken up; Scotland has old memories to fall back upon; Wallace and Bruce are not forgotten there; Bannockburn cannot be wiped from the annals of England, or overlooked by the monarch who would enslave the hardy Scots; let them try again to fit the chain.

All this is a sort of reasoning to which the experienced

closet statesmen are not much accustomed. It is not of a kind, in fact, which admits of being practically settled by argument, for it is passion and will that speak in it. They can taunt its employer, however, with having no followers among the sensible and experienced of his country, and compliment him as a great framer of Utopias, in which he has the concurrence of "several men of quality of about two or three and twenty years of age, whose long experience and consummate prudence in public affairs could not but produce wonderful schemes of government." The taunt is turned on its employer. Whatever their capacities may be, the young theorists are uncorrupted. The natural generosity of youth spurns at base motives, and therefore are they odious to those who have sworn to exterminate political honesty, and will not let it live. Such are some of the characteristics of this amusing paper. It lets one into the ideas and thoughts of a remarkable leader of a remarkable party. For any actual instruction on principles of government, it might be as vainly searched as Cicero de Republica.

The party of which Fletcher was the head, cannot be very distinctly marked off and bounded, for it shaded itself imperceptibly into the other parties which were bounded by the more vulgar and usual rules of political connection. Indeed, rather than a specific party, it might be called a centre of high independent principle, to which, on occasion, the members of other parties converged, when their zeal or indignation was raised against the policy of the Government. It was constructed less of men, and still less of measures, than of principles. Thus, while its two leaders, Fletcher and Belhaven, bitterly opposed the incorporating union, their followers were the main elements of that flying party which cast its weight into the scale of the measure, and having its loss or its success in their hands, decided for the latter.

In the meantime, however, their efforts were directed to the aggrandisement and independence of their country. However much poverty may be lauded as a blessing when it is inevitable, it is no more the actual aim of national parties than of individual men. When Fletcher and his friends consulted together for the regeneration of their country, their high-pitched notions of classic freedom did not prevent them from seeing that industry and commercial enterprise were in that age becoming the great elements of national aggrandisement. Scotland might be hardy and honest; her sons might be the first swordsmen, the profoundest scholars, of their age; her people the most free of corruption or servility that any nation could produce;—but what availed all this in an age of progress, unless her cities grew rich with merchandise, the sea were covered with her ships, and distant colonies owned her sway? Such were the peaceful victories with which England was marching to the throne of European dominion, and if Scotland could not participate in, or rival, these achievements, she must be content to be trodden under her proud neighbour's feet. There were thus two ways to achieve the desired end—the one was by a trading partnership, the other by successful rivalry. The selfish restrictions, amounting to injustice and oppression, to which Scotland had been subjected, rendered the former an unlikely consummation; or, at least, one which was not to be aimed at until England had shown more liberality and kindness. It was fondly hoped that successful rivalship might perhaps develop these virtues, hitherto lamentably deficient in the commercial relations of England towards Scotland.

The hardship experienced by the Scots in being isolated from the English trade, and treated as strangers and foreigners in one of the most essential elements in which nations can be in harmony, arose with the Restoration. During the unhappy reign of Charles II., the complaints

that communities were deprived of the traffic enjoyed during the Protectorate, and driven from affluence to poverty, would have been distinctly heard in the annals of the period, had it not been drowned by the wilder cries of conflict and persecution. To make Scotland and England one in trade, was among the wise arrangements of Cromwell's rule. Freedom of trade between the two countries was established by the ordinance or constitution of 12th April 1654, in the fullest terms, and without one of the qualifications, which in subsequent projects for communicating trade privileges to the Scots, were so perseveringly and pertinaciously retained, until the whole was at last extracted from the reluctant gripe of English trade monopolists.* Thus there was no privilege enjoyed by traders in England which was not communicated to Scotland, and what was not even attempted in France till the days of Turgot, and only arose in Germany with the Prussian league—an internal free trade—was accomplished for Britain in the middle of the seventeenth century. It was during the few years of prosperity following this event that many of our commercial cities arose. Scotland enjoyed peace and abundance, and was making rapid progress in wealth. It was not probably anticipated that all should be undone after the Restoration. By the celebrated Navigation Act of 1660, however, the Scottish portion of the trade was paralysed. It provided that the commerce of England and her colonies should be solely conducted in English ships,

* The Protector's ordinance was, "That all customs, excise, and other imposts for goods transported from England to Scotland, and from Scotland to England, by sea or land, are, and shall be, so far taken off and discharged, as that all goods for the future shall pass as free, and with like privileges, and with the like charges and burthens, from England to Scotland, and from Scotland to England, as goods passing from port to port, or place to place, in England; and that all goods shall and may pass between Scotland and any other part of this commonwealth or dominions thereof, with the like privileges, freedom, and charges, as such goods do or shall pass between England and the said parts and dominions."—*Union Documents*, App. No. xxvii.

save that aliens might import into England their own produce in the vessels of the place of production. The act was imitated from a law of Cromwell, but with a slight difference fatal to Scotland. The Protectorate navigation act applied to Britain as one country; that of the Restoration made the Scots aliens, speaking of them, in the exceptional clauses for the introduction of native produce, in the same terms as the Russians and the Turks.* It did not by any means remedy the condition of the Scots, that, in their usual spirit of haughty defiance, they retaliated by an act of the same kind, "for encouraging of shipping and navigation." † It was soon perceived that the navigation act cut much deeper than the level where Cromwell's free trade came into action. Whether intentionally or not, it revoked, so far as shipping was concerned, the law which gave the inhabitants of each country the privilege of being citizens of the other. The effects were seen at once to be calamitous, and it is from their first discovery that we trace an ardent determination in the Scottish people to participate in the trade of England, or in some way force a trade for themselves. In 1667, commissioners were appointed from the two kingdoms to treat of union, when this object of a free trade was at once brought prominently forward on the part of Scotland, and at once repelled on that of England. It was stated that the colonies had been created at the expense of Englishmen, and should exist for their advantage only; that the East India and some other trades were monopolies

* As for instance, "Provided always that this act, or anything therein contained, shall not extend, or be construed to extend, to any aliens duties upon any corn of the growth of Scotland, or to any salt made in Scotland, nor to any fish caught, saved, and cured by the people of Scotland, and imported directly from Scotland in Scotch-built ships, and whereof the master and three-fourths of the mariners are of his majesty's subjects; nor to any seal oil of Russia imported," etc.—12 c. ii., c. 18. s. 16.

† Scots Acts, 1661, c. 44.

in the hands of companies, not even open to the English at large, which it was out of the question to communicate to any strangers; and finally, that the privileges of English shipping were far too precious to the merchants of England to be extended to Scotsmen.*

In some respects the terms of the refusal might be counted a compliment to the position of Scotland. When it was pleaded that the Scots were debarred from privileges enjoyed by the Irish, it was said that Ireland was subject to the crown of England, and could enact no internal restrictions or privileges; but Scotland was a free country, which could make its own institutions for itself.† The Scots were told that they were as free as England to make their own colonies, at their own expense and for their own enjoyment. When, twelve years afterwards, they attempted to act on this hint, we shall see how it was seconded by the government of England. Along with these invidious restrictions, the loss of commercial intercourse with France was keenly felt. That nation had of old been the munificent patron of Scotland,

* "As to his majesty's plantations in the East Indies, they do belong to particular companies and corporations of Englishmen, and no other English have the right of trading thither; and as to the rest of his majesty's plantations in America, that they were found out, possessed, planted, and built, by the labour, blood, and vast expense of his majesty's subjects of the kingdom of England, and do belong to the crown of England, and therefore it cannot be reasonably expected that Scotland should reap the benefit thereof. . . . Concerning the shipping of Scotland having liberty to bring into England the goods and commodities that are of foreign growth, production, or manufacture, we answer that we can by no means consent to this desire, for that it would be too great a blow to the navigation of this kingdom. Besides, the kingdom of Scotland being wholly independent of itself, and not subject to the crown of England, we cannot have reasonable security and satisfaction that the said kingdom will keep up and tie itself to the strict observation of the restrictions and limitations set down in the Act of Navigation with relation to this matter."—*Union Documents*, Appendix, xxxvi.

† "And whereas your Lordships do in several places give hints at Ireland, and seem to make it a ground why this and other privileges should be granted to Scotland, because granted to Ireland, the answer is most clear and obvious, viz., that Ireland is not only under one king with us as Scotland, but belongs to, and is an appendix of, the crown of England," etc.—*Ibid.*

for the purpose of keeping an opposing interest against the English power within the island of Britain. The policy was the same with that pursued by England towards Holland, and in later times towards Portugal, as a footing for the exercise of continental influence. Such an intercourse is always favourable to the secondary nation, for the great power must pay for the assistance it obtains from the smaller. Now, however, it became treason to hold communication with France, when England went to war with her. The Scots were bound, without reference to their own feelings and interests, to hate their own old continental friends, and enter on conflicts, not of their own seeking, in which they suffered the fate of the dwarf in alliance with the giant. Nor had they a true compensation for the patronage they lost in any that they received. Heavy duties and restrictions prevented them from enjoying a trade with England. Their warriors and scholars had been welcomed by the French for their hardiness and indefatigable industry—now none but traitors to their home government could be received into those foreign services which in the seventeenth century were crowded with Scotsmen. And though they had nominally access to a rich field of promotion in England, they maintained that this was a poor exchange for the old continental arena, inasmuch as the French had encouraged and caressed them from interest, and that heartily and lavishly; while in England they had a forced alliance with a jealous, surly nation, which acted in the spirit rather of rivalry than of friendship, and was more apt to pillage and coerce them than to extend to them patronage and munificence.*

* Among the secondary mischiefs caused by the English commercial jealousies, the Privy Council books show repeated contests with truculent English naval officers, who, unable to understand that Scotland was an independent country, followed the Admiralty instructions for the English coast in the narrow seas of Scotland, and were apt to treat such a body as the Scottish Privy Council with a contempt which irritated the national pride into a high state of fervour.

In the meantime, the patriot party, however proud they might feel in an abstract contemplation of the hardy poverty of their countrymen, could not patiently contemplate the infliction of these injuries by powerful, aggrandising England. They saw distinctly, that the trading selfishness of their neighbours had thrown back their rising cities, and checked the progress of commercial wealth,* and they were resolved to effect a fitting remedy.

Such was the new spirit arising in Scotland. Of the parliamentary discussions in which it was developed, it is unnecessary to say much, until we come to those great conflicts which became national, and by their formidable aspect drove on the Treaty of Union. But it will serve to bring out, in a more complete and unbroken shape, the national struggle in which the independent party were engaged, to mention rapidly the chief intervening events.

From the year 1692, when the Revolution government was settled, to the breaking out of the discussions about Darien, the letters, state-papers, and pamphlets of the time, reveal little beyond official rivalries, and graspings after the estates or emoluments that may have fallen from the hands of some forfeited enemy of the Revolution or fallen statesman. The year 1693 was one of extreme apprehension, arising out of rumours of invasion from France. They were vague, but sufficiently formidable to enable the government to exercise a strong hand in the Parliament. The unfortunate man, Neville Payne, already mentioned, was believed to possess some incomprehen-

* For instance, in confirmation of the complaints of the Scottish pamphleteers and parliamentary speakers, it is said, in an answer by the city of Glasgow to queries by a convention of burrows, in 1691, "that by the decay of trade a great number, and many of the best, of their houses are waste,—yea, that there is near five hundred houses standing waste, and that those inhabited are fallen near a third part of the rent they held formerly."—*Report of Commissioners on Municipal Corporations, Scotland*: Appendix, p. 32.

sible means of evading the vigilance of his jailors, and conducting correspondence with foreign enemies; but he stood every effort to extract a revelation, and baffled several parliamentary investigations—a living reminiscence of the mysterious dangers with which the legislature was perplexed.

It is, perhaps, from this period that we may date the revelation of the distinct political character of a portion of the Episcopal clergy, and their treatment rather as political malcontents than religious heretics. Doctor Monro, the deposed principal of Edinburgh College, lived in London, and was the author of many of the pamphlets pleading the cause of his suffering brethren in the north. From some suspicions excited against him, his papers were searched, and were found to compromise two Episcopal divines in Scotland, named Andrew Cant and Robert Calder. On searching their lodgings, though it was evident that they had hidden their most important papers, one scrap was discovered giving alarming significance to those secreted, as it proved that its owner and his brethren were in the pay of the exiled king.* While the Privy Council were occupied in the investigation of this matter, they were alarmed by one of those fierce mobs, peculiar to Edinburgh, which seized, and held all night, one of the fortified gates of the city. But when the matter was investigated, it was found to arise out of nothing more serious than a rebellion of the bakers, caused by a rumour that one of their number had been impressed as a soldier.†

* In Calder's house nothing was found but "old useless papers and copies of sermons." In that of Cant, who bears the same name, both Christian and patronymic, as a celebrated divine of the Covenant, there was a note of sums received from benefactors, with the significant entry, "Item of King James's money from D. Cockburn, eighteen pounds."

† Narrative submitted to the King. Minute of Privy Council, 4th March 1693; and Minute, 27th June 1693. The baker supposed to have been impressed, had been seized as one of a riotous crowd returning from Leith Races.

A committee for the security of the kingdom reported their belief, that a regular correspondence with the exiled house was so systematically carried on, that all the plans for raising and officering troops to co-operate with the invaders were organised; and that the immediate prospect of a Jacobite government had actually influenced the municipal elections for the capital. The obvious resource for meeting such emergencies was a liberal supply to support an increased army. The Estates were generous, and provided by a poll tax, with an additional land tax and excise, for a temporary army of six thousand men.* The prospect of holding commissions in the new levies is believed to have had great influence on the vote, and Carstairs received a quantity of applications from great houses, full of earnest appeals to be considered in the distribution of the command, which makes his correspondence at the period more like that of a commander-in-chief, than a leader of the church. When the danger seemed past, the supplies were turned to the war abroad—an arrangement creating a peculiar stream of dissatisfaction, which in some little measure, swelled the great torrent of national discontent, by a contribution from those whose hopes had been thus disappointed.

In the meantime, the oaths of allegiance and assurance, which had such formidable effects in ecclesiastical matters, were sedulously tendered. A minute analysis was made of the official and social elements of the country, so that no person of importance could escape the machinery for demanding subscription to this test. Among other exhaustive arrangements, the heirs of territorial titles, as well as the owners, were comprehended in the act, to baffle a practice called "hedging," by which the existing possessor and the representative played the

* On the subject of the taxation in Scotland, see the account of the Treaty of Union, further on.

game of holding allegiance to different dynasties.* Some slight symptoms of the coming discontents were visible in this Parliament, in preparations for the inquiry about Glencoe and otherwise, but they were suppressed by the sense of danger and the command thence conceded to the Government; and they took no more visible shape than a general address to the throne, mentioning that there were some things, heavy and uneasy to the people, on which the Estates had, in the meantime, forborne to enter.† The ecclesiastical branch of Scottish history is during this period the most interesting, and it has been given in earlier chapters.

Two events happened soon afterwards, tending somewhat to soften animosity, and tacitly restrain rigid examination of the king's conduct. Queen Mary died on the 28th of December of the year 1694. None doubted that, though her husband was a man of few demonstrations, this loss entered deeply into his heart, and clouded his after years with bitter sadness. Whether what her companion, Sarah Jennings, said of her heartlessness to her father, is entitled to belief or not, she had been a true and tender wife. Childless, his only domestic tie was gone, and he seemed a stranger on the throne to which she had, in the eyes of some, the nearest title to a hereditary claim.‡

The Scottish people, even those who were the zealous supporters of the Revolution Settlement, remembered that she was a daughter of their ancient line of kings, and regretted her death as the loss of one who had some title to be deemed a kindly Scot. The even course prescribed by the original settlement however, went on undisturbed.

* See the expression "The Hedging Politick," as employed in Carstairs' State Papers, p. 171.

† Minutes of Estates, 15th June 1693.

‡ The Queen's character is very touchingly and eloquently described by Bishop Burnet, in a sermon on her death. It was reprinted at Edinburgh in 1842.

The other incidental matter here referred to, is the Assassination Plot of 1696. It had, however, but a reflex influence in Scotland; and all that need be recorded of it is, that, somewhat mitigating the growth of national discontent, it prompted the chief leaders to rally round the sovereign, and pass an act, requiring a bond of association for his majesty's defence to be subscribed by all persons in public trust.

At the opening of the Parliament of 1695, there was a change among the leading statesmen. The Dukes of Hamilton and Queensberry both died in the previous vacation, and the Marquis of Tweeddale was appointed commissioner. This Parliament was animated into hot dispute by the discussions on Glencoe, of which the revelations from their retroactive effect, have been already narrated. In the ensuing year, Secretary Dalrymple, on whom the wrath of the Estates was chiefly concentrated, was dismissed for a time from the king's service; but it has been said that he suffered rather for his service to his country in passing the Darien Company's Act than for his cruelty to the Highlanders. That act was the most momentous measure of the session, and indeed of the age, so far as Scotland was concerned. It is an epoch in British history, and in the Scottish department absorbs entirely the few remaining years of William's reign.

Before, however, passing into this chapter of history, it may be well to glance rapidly over the minor legislative labours of this reign. Several reforms were carried out in the administration of justice, remedying those abuses which have been already noticed.* The great extent of vagrancy and pauperism caused by the distracted state of the country, naturally called forth the attention of a monarch coming from a country which had taken the lead in that most complicated and unsatisfactory depart-

* See p. 72.

ment of legislation which provides for the support and control of the poor and unproductive. In Holland, it had ever been the tendency to reward and honour labour, and to punish idleness as an offence. Whether such a system shall merely be the control over a few outcasts by the healthy industrious body of the people, or shall be a conflict of a little centre of industry with a herd of idle vagrants, will depend upon the state of the country, and will be much influenced by the races and traditions of its inhabitants. The tendency of King William's legislation was to introduce the labour test; but the country was not sufficiently organised to admit of a system so subtle in its operation, and the acts of council, ratified by statute, in which it was developed, only remain as enlightened memorials of designs which it required a more advanced age to put in practice. Among the other reforms was the establishment of arrangements for distributing the estates of bankrupt debtors. It is a great step in the protection of commercial enterprise, and in the general furtherance of justice and civilisation, when arrangements are made for an equitable distribution of the funds of people embarrassed with debt, instead of leaving them the prize of the first comer or the harshest persecutor, and prompting a reckless and destructive scramble for possession of the remaining fragments of the dilapidated estate. In 1696, an act was passed appointing the criterion of bankruptcy, and tending to defeat the bankrupt's connivance with favoured creditors. It remained for nearly a century the chief embodiment of this important branch of the law of Scotland, and it is well known, by its frequent application in practice, to the lawyers of the present day.

Along with this practical amendment, the system of registration in Scotland, so well commenced, was developed and perfected in the direction of its legitimate

ends. It tended to the broad principle, that every title to an estate in land is the title appearing upon the public record, which is held absolute, and not to be defeated by latent private arrangements, whatever claims separate from the title to the estate such arrangements may create among the parties. And to the strict fulfilment of this end several amendments, obviating laxities and irregularities, were directed.

It was, no doubt, deemed at the time a far more valuable act of just and precautionary legislation than any of these, that stern enactments were passed to protect the people from the machinations of Popery. The persons against whom the terrors of the law were chiefly directed, were called 'priests, jesuits, and trafficking papists, and they were rendered liable to banishment, and the infliction of death on their unlicensed return to the country. As it was said that through the malice and subtlety of these dangerous persons, they disguised themselves skilfully, and glided unseen and unheard, distributing their moral poison through the land, a detective test was sought. A formula of renunciation was appointed to be tendered to any one suspected of coming within the denounced class, and if he refused to "purge himself" by adopting its powerful condemnations of things held in reverence by Roman Catholics, he was esteemed guilty. Persons present in places where there were mass-books, images, "or other popish trinkets or instruments of superstition," were in like manner liable to be tested for punishment, and there were arrangements, as in England, for depriving papists of the right to acquire or succeed to landed property.*

It may safely be said that, after an event like the Revolution, such enactments, in some shape or other, were inevitable. It would be as absurd to expect

* See the Act 1701, c. 3.

abstract justice from an army which, released from the fear of annihilation, finds by a sudden revulsion of fortune that it is victorious, as from the friends of the Revolution Settlement. It was, perhaps, all that could be expected, that much of the operation of the act was removed beyond the influence of private hate or fanaticism, and committed to the public prosecutor, presumed to have in view the interests of the country and the protection of the crown. That such a coercive system, supposing it a just one, was calculated to promote the views of its supporters, will be doubted by all who read history. The persecution which is so stern and relentless that it crushes at once the seeds of dissent, is the only kind that can be, even for a time, effective over opinion. Coercive laws, while they excite hatred, only hide the offensive creed, and render its political operations more dangerous by being concealed. Besides constant alarms arising from the mystery of the hidden danger, Scotland was more than once actually shaken from an ignorance of the actual strength of the popish party created by the penal laws, which compelled them to dwell in darkness, and reside in hidden though not diminished strength.

From this ever unhappy department of legislation, it is agreeable to turn to the latest important act of internal legislation passed by the Parliament of the Revolution King. It was directed to the protection of the subject from arbitrary and unexplained or unduly protracted imprisonment, and was called an "Act for preventing wrongous imprisonment, and against undue delays in trial."* It was founded on that most skilful and effective

* That such an act was much needed, is shown by the fate of Neville Payne, the Englishman spoken of as having been arrested ten years earlier in connection with Montgomery's plot. He had been tortured by the Privy Council and examined before the Parliament, in the records of which he is found in the year 1693 (see p. 273). His name occurs no longer in such quarters, and his existence and condition seem to have been as entirely overlooked by the official men of the day, as they are removed from the sight of history.

organisation for the protection of personal freedom ever devised by the wit of man, the English Habeas Corpus Act.

The attention of the reader of contemporary letters is unpleasantly awakened to his existence by a passage in which the Duke of Queensberry says to Carstairs, on 9th September 1700—after recommending that Lord Balcarras, who had become involved in suspicions of conniving with Dundee, might be permitted to return to Scotland—"There is, besides his case, which is a mere act of his majesty's goodness, another wherein we are likely to be puzzled in parliament, I mean that of Neville Payne. He has been tortured and very long imprisoned; and he inclined to apply to the Privy Council for his restoration, which I have kept off till I should know his majesty's pleasure about him. He had a recommendation of Parliament formerly to the king, and I am afraid that it is not in our power to keep him legally. He will certainly apply to the next session of Parliament, and will undoubtedly be set at liberty then, and probably with some reflection upon his long imprisonment. I am, therefore, persuaded that it is his majesty's interest, either to send me a warrant for discharging him out of prison, or that he should refer that matter to his Privy Council, who are sure to let him out; so the frankest way would be for the king to do it himself, for it will be impossible to keep him in till the Parliament be over. I know him to be an empty vain talking lying fellow, and is not much worth the while of any government's concern." *Carstairs' State Papers*, p. 638.

CHAPTER VIII.

Rise and Spread of Foreign Enterprise—Projects of the Popular Party—William Paterson—The Indian and African, commonly called the Darien Company—The Jealousy of the English Companies—The Wrath of the English Parliament—The Re-action in Scotland, and the Enthusiasm for the Project—Grand Views of the Projectors—Influence of the first Starting on Scotland—Attempts at Foreign Connection baffled by the English Government—The Darien Adventurers—Their Misfortunes—Treated as Pirates—The Project ruined—The State of the Nation—Outburst in Edinburgh—The Necessity for the Union—The Death of the King.

THE time when the leaders of popular opinion in Scotland began to nourish aspirations after foreign enterprise, was the dawn of a great trading and speculative impulse, which, ere it passed over, shook every considerable state in Europe. It was the destiny of Scotland to lead the way in this epoch of speculative excitement and calamity. The wondrous achievements of the English East India Company, rendered more mysteriously grand by the deep secrecy in which they were attempted to be hidden, were eagerly discussed among the adventurous spirits of the day, and fascinated all who listened to them. Even unlicensed adventurers, who went forth single-handed, unlawfully interloping on the privileged trading fields of the great companies, or still more recklessly defying and breaking the laws of civilised communities, frequently returned home to dazzle the companions of their early obscurity with the glitter of their oriental riches. The mystery in which all the operations, whether of the licensed companies or of private lawless adventurers, were conducted, let the imagination loose; and there were no bounds to

the anticipations formed for those who might go forth to seek their fortune in the Indian seas. Even men of sober, far-sighted views desired that there should be more encouragement to legitimate enterprise, were it merely to supersede that semi-piratical system of private adventure, which was so terribly demoralising the best and boldest spirits in the first nations of the earth. In fact, the northern maritime nations had sent forth their surplus energy on the southern and eastern seas, like the northmen of old; and wherever peaceful traders were finding the means of affluence, these hordes swept all before them with a savage energy, that threatened to extirpate legitimate commerce and industry from the earth. The Spaniards were beginning to abandon navigation in despair, and to rest in their scattered settlements without communication or commerce; and it was believed that the seas which had been covered with their rich galleons would be left to the bands of depredators, who, having exterminated from the ocean the very means of plunder, must swarm back upon the shore, spreading terror and devastation wherever they trod. In fact, this phenomenon had already commenced; and the buccaneers, finding that they had swept the seas too clean, were operating on the land, and taking possession of the colonial cities. To re-strengthen the commerce thus going to ruin, by directing towards honourable trade these desperate spirits, seemed an achievement well deserving the attention of the statesmen of the age, and it responded to the desires of the ambitious and enterprising among private citizens. It was only unfortunate that the new enterprises were somewhat tainted by the rough, unscrupulous natures whose energies were thrown into them.

Those who were desirous of finding some vast adventure for Scotland, alighted on a man whose schemes were wide and daring enough to absorb any amount of national ardour. They found in London a fellow-countryman of

their own, William Paterson, whose mind was crowded with projects of the kind of which they were in search. The biographer or historian who has to mention William Paterson, ever does so interrogatively rather than instructively. Of all the children of fortune, few have left a history marked by reverses so capricious. At one time the most illustrious and remarkable man of his country, the obscurity of his early life—to which he returned when his short reign of popularity was over—was so deep that the most diligent investigators have discovered nothing about the time and place either of his birth or death.* He had acquired a great knowledge of foreign countries; and as it was evidently not merely theoretical, but practical, his enemies said it had been obtained in his adventures as a bold buccaneer; while his friends maintained it to be the fruit of his services as a Christian missionary among the heathen. Though both of them spoke from conjecture, it was significantly remarked, that the territories into which the adventurer wayled his countrymen had previously been more prolific in plundered Spaniards than converted Indians. When the zealots for Scottish adventure found him, he had, before he could enter on new projects, to dissolve a connection which he had formed with the Hampstead Water Company, of which he appears to have been an influential and suggestive member. Fame attributes to him the design of the Bank of England, as well as that of the Bank of Scotland, which, though less eminent in history, was the first of the series of adventures which have made the valuable joint-stock banking system of his countrymen. With neither of these adventures, however, was he practically connected. His name is associated with them in a traditional rather than an official or capitalist shape;

* In Sir John Sinclair's "Statistical Account of Scotland," he is set down as a native of the parish of Tinwald, in Dumfries-shire, but evidently on merely traditional authority.

and in these mere hints and guesses is told all that, beyond the history of the Darien Company, is truly known of William Paterson.*

* The documents connected with this ill-fated company would lead one to the supposition that Paterson was a projector and worker in the closet and counting-house, rather than on the deck or in the field,—that he knew more of books than of men. He exercised no influence over the expedition which he accompanied; and the many official documents connected with it scarcely mention him, save to say that, heart-broken at its failure, he was seized with temporary insanity and imbecility. On the other hand, the counting-house organisation, as it might be called, of the company, which may be attributed to Paterson, appears to have been a model of skill and symmetry. The ledgers, journals, and other books in the Advocates' Library, are fine specimens of caligraphy and exactness. They have a perfectly modern appearance, in the handwriting, in the forms of checking by the double entry system,—nay, even in the binding and the gigantic size. Except that they are slightly faded, they would not be known from the books of a banking concern at the present day. It might be curious to the historian of book-keeping to notice whether they contain any improvement on the best methods adopted at the time in English places of business. It is certain, however, that they are a wonderful contrast to the irregular and unscientific methods of keeping books then generally followed in Scotland, and must be considered a signal step in the art of recording business transactions, which probably prepared the way for the commencement of Scottish banking.

As to Paterson's claim to the founding of the Bank of Scotland,—whether or not it was suggested in any earlier projects promulgated by him, its immediate erection is more distinctly attributable to John Holland, merchant in London, one of the original directors. The act establishing the Bank of Scotland was passed on the 17th of July 1695, about three weeks later than that establishing the Darien Company. The Bank would thus seem to have been started in rivalry of the other project. Yet it is observable that some of the first directors of the bank became large holders of the Darien company's stock,—as Captain Erskine of Cardross, the Laird of Swinton, and Sir Robert Dickson. If there was an intended rivalry, the Bank was at first overwhelmed by its more popular competitor. The Bank's capital was fixed at L.100,000, but only the sum of L.30,000 was subscribed, and this chiefly came from London.

It would be difficult now to discover how far Paterson obtained any compensation for his services and sacrifices to the Darien Company. It was arranged that he should receive as his reward two per cent. on the subscriptions, and three per cent. on the profits. The latter sum of course never existed—the former, which, taking the whole at six hundred thousand pounds, would have made L.12.000, he early in the progress of the adventure formally declined, preferring to cast his lot on the success of the undertaking. But when the losses caused by the undertaking were paid out of the equivalent, he thought the time might come when his, the most memorable of all the losses in that great national calamity, might receive pecuniary consideration. In the arrangement for dis-

The preliminary arrangements for the great national trading adventure were transacted with all that secrecy which attends a dread of valuable suggestions being anticipated or stolen. The promoters were, in fact, conscious that the scanty capital of their native country would not be sufficient to carry out their large projects. They did, in the end, obtain abundance of money, even from poor Scotland, if money had been enough in itself to overcome the difficulties in their way. But it was to the rise of these difficulties, creating a national zeal beyond the warmest expectations of the projectors, that the large sum afterwards raised and lost is to be attributed.

In the early organisation of the scheme, the projectors could not count on the intense nationality by which it was to be borne onwards. The most zealous of them were rather mourners over the fall of national energy, than believers in its triumphant power; and, desirous to redeem their country gradually, their first plans were, by the ingenuity of their projects, and the privileges obtainable from the national legislature of Scotland, to make them acceptable to English and foreign capitalists. It is easily seen that arrangements tending in this direction must have been cautiously made by Paterson and his zealous friends before publicity was given to the project; but of the details of the preliminary arrangements so made we know nothing, and this memorable scheme starts into historical existence in an act of the Scottish Parliament, passed on the 26th of June 1695, in favour

tributing the fund he was overlooked. The principle adopted was to pay to all stockholders the calls they had advanced, and he was not a stockholder. In the British act for distributing the equivalent, this omission was handed over to the correction of the commissioners, but when he set forth his claims, on a survey of transactions with him it was shown that he had incurred to the company a debt of L.17,000, apparently by becoming security for persons in London with whom the company had important transactions.—See the *Case of Mr William Paterson, in relation to his Claims on the Equivalent, etc.*

of "a company trading to Africa and the Indies." It is not easy to discover the councils which suggested this measure, or the full extent and character of the objects it was expected to accomplish, for the statesmen concerned in it were under the frowns of authority, and were not anxious to proclaim, like meritorious public benefactors, the extent of their secret exertions in the cause. It would therefore be difficult to say whether an act passed by the Scottish Parliament on the 14th of June 1693, professedly "for the encouragement of foreign trade," was part of the new project, and carried silently through Parliament with deep preconcerted design. At all events, this short act for the "encouragement of foreign trade," would have inflamed the great English trading companies, had they seen it, or believed it a serious document, with angry astonishment. It provided that in Scotland adventurers associating together for foreign commerce, should enjoy all extant privileges of trade, and especially included the trade of the East and West Indies, and of the Mediterranean, as among those to which their privilege, when incorporated under the Great Seal of Scotland, should become public and undoubted. In this act of the Scottish legislature, which perhaps the East India Company, or the English African Company, had as little chance of seeing as if it had been a document of some remote municipality of Germany or Italy, the privileges of these favoured companies—held so precious, that wealth, character, and life were unhesitatingly expended in their protection—were carelessly handed over to the first comers from pauper Scotland. It is true that the great capitalists of the city would scorn the chances of such a people making use of their privileges, just as the Oriental Steam Navigation Company is little afraid of rivalry from the natives of New Zealand; and possibly the short act, had it been known to the great English companies, would not have alarmed them.

It was otherwise, however, with the measure which, founding on this general act, conferred special and defined powers on the new trading company. It was evidently, in all its details, carefully arranged by men who were in a position practically to profit by its privileges. It was enjoined, as if by way of restriction, that only the half of the subscribed capital could be owned by foreigners or persons not resident Scotsmen. The company were to enjoy privileges carrying them above the restraints of the navigation act. But besides their mere trading powers—of such a kind as the world is now familiar with, not so much from their being specially conceded, as generally enjoyed—there were other privileges and powers which would startle the colonial politician of the nineteenth century. The company were empowered to fit out and arm vessels of war, either in Scotland or in any other country not at war with the British sovereign. They were authorised to make settlements, and build cities, harbours, and fortifications, in any place in Asia, Africa, or America, uninhabited, or where they had the consent of the natives, and were not met by the previous claims of any European sovereignty. They were authorised, when attacked, to fight or make reprisals; and as the counterpart of their fertile privileges, they might make alliances with those holding sovereign rights in the three distinct quarters of the globe to which their privileges were extended. To give this new company the same rank in its own nation with the English trading corporations, all other Scotsmen were prohibited from trading within the company's privileges without their license, and a broad power was given to them to seize on all interlopers "by force of arms, and at their own hand,"—a power which they afterwards used in a manner so portentous as to raise alarm for the safety of the empire.

The privileges thus conferred on a Scottish company were the ground on which the projectors anticipated

extensive contributions of English capital, and they were calculated as much for this end, as for the immediate profit and glory of Scotland. Ten of the directors resided in England, and ten in Scotland; but when the books were opened in London, to make a majority and quorum there, three nominees from the Scottish directors went to London. The whole body met in the house of Nathaniel Carpenter, in St Clement's Lane.*

* The information contained in the following account will be understood, where no other authority is cited, to be derived from the collection of office-books, correspondence, and other papers of the company, deposited in the Advocates' Library. The Author edited, for the Bannatyne Club, a selection from these papers; and some extracts from them, illustrating the trial of Captain Green, were published by him in a collection of "Narratives from Criminal Trials in Scotland."

The following tracts, which may be found in the Advocates' Library, and other collections, have also been more or less used on this occasion, and may be consulted by those anxious to investigate this historical episode:—

Letter from a Gentleman in the Country to his Friend in Edinburgh, wherein it is clearly proved that the Scottish African and Indian Company is exactly calculated for the interest of Scotland. Edin. 1696.

Reasonable and Modest Thoughts partly occasioned by and partly concerning the Scots East India Company, humbly offered to R. H., Esq., a member of the present Parliament. By an unfeigned and hearty Lover of England. 1696.

A Short Discourse on the present temper of the nation with respect to the Indian and African Company and the Bank of Scotland; also of Mr Paterson's pretended Fund of Credit. By John Holland. 4to. Edin. 1696.

The History of Caledonia, or the Scots Colony in Darien; by a Gentleman lately arrived. 1699.

A Full and Exact Collection of all the considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters, and other Public Papers relating to the Company of Scotland trading to Africa and the Indies, since the passing of the Act of Parliament by which the said Company was established in June 1695, till November 1700. 1700. 12mo.

Original Papers and Letters relating to the Scots Company trading to Africa and the Indies: from the Memorial given in against their taking subscriptions at Hamburgh by Sir Paul Ricaut, his Majesty's resident there, to their last Address, sent up to his Majesty in December 1699. 1700. 8vo.

A Description of the Isthmus of Darien, where the Scots Colonie is settled, from a Gentleman who lives there at present. Edin. 1699.

Address of the Council General of the African and Indian Company to his Majesty; with his Majesty's Answer. 1699.

Defence of the Scots abdicating Darien,—including an Answer to the Defence of the Scots Settlement there. 1700. 8vo.

The genius of Paterson, more fertile in devising than in working out such projects, was occupied in plans for starting it well in London, and beginning with a wide sweep of capital. He recommended that a short period only should be given for receiving subscriptions, and had

A Short and Impartial View of the Manner and Occasion of the Scots Colonys coming away from Darien, in a Letter to a Person of quality. 1699.

A Letter to a Member of Parliament, occasioned by the growing poverty of the nation, etc. 1700.

Speech of the Duke of Queensberry, his Majesty's Commissioner, to the Parliament of Scotland, 29th Oct. 1700.

Speech of the Earl of Marchmont, Lord Chancellor to the Parliament of Scotland, 29th Oct. 1700.

Several Particulars of the Highest Concern to the Kingdom of Scotland. 1700.

Representation of the Council General of the Company of Scotland trading to Africa and the Indies, to her Majesty's High Commissioner, 27th Nov. 1700.

Report (MS.) by a Committee of the Company as to the presentation of the National Address. 1700.

Certain Propositions relating to the Scots Plantation of Caledonia. Glasgow, 1700.

Proclamations by the Governors of Jamaica, Barbadoes, New York, Massachussets Bay, etc., against the Scots Company and Colony. 1699.

Caledonia—The Declaration of the Council of the Indian and African Company of Scotland for the Government of their Colonies and Settlements in the Indies. 1699.

A Just and Modest Vindication of the Scots Design for the having established a Colony at Darien; with a brief display how much it is their interest to apply themselves to trade, and particularly that which is foreign. (Attributed to Robert Ferguson). 1699.

A Defence of the Scots Settlement at Darien; with an Answer to the Spanish Memorial against it, &c. Printed in 1699. Small 4to.

Letter from a Member of the Parliament of Scotland to his Friend at London, concerning their late Act for establishing a Company trading to Africa and the Indies. 1695—Printed at London; reprinted at Edin. 1696. Small 4to.

Speech in Parliament on 10th January 1701, by Lord Belhaven, on the Affair of the Indian and African Company, and its Colony of Caledonia. 1701.

Inquiry into the Cause of the Miscarriage of the Scots Colony at Darien. Glasgow, 1700.

Express from the African and Indian Fleet, landed in New Edinburgh in Caledonia. Edin. 1699. Folio.

Abstract of a Letter from a Person in Caledonia to a Friend at Boston in New England. Edin. 1699. Bd.

one memorable instance, at least, to give of the efficacy of such a policy.*

It was arranged that public operations should not be begun in London until the month of October. When the books were opened, the English money lords, then coming into great power, rushed at once to an investment so promising in the means of rivalry with those great mercantile corporations, which were as much the object of hostility to the excluded, as of jealous and vigilant support to their own members.

As Paterson anticipated, the half of the subscription open to England was immediately filled up; and the affair made such effective progress, that in December the House of Commons, roused by the fierce outcries of the English privileged companies, was rapidly taking measures to crush the project.

It happened that the period was one of great trading discontent in England. There had been many losses and bankruptcies, and the sufferers, in their anger, alleged that they were sacrificed to the aggrandisement

Memoirs of Darien, giving a short Description of that Country; with an account of the Attempts of the Company of Scotland to settle a Colony in that place. London, 1714.

The History of Darien, giving an Account of the Attempts of the Scotch nation to settle a Colony in that place. By the Rev. Francis Borland. Glasgow, 1779.

* Writing on the 9th of July 1695, to his friends in Scotland, he recommends that, as the act has been passed, and Scotland has until August 1696 to supply her share of the subscription, the matter should be kept secret in London, for two reasons: one, the danger of a parliamentary attack, which, with his intuitive sagacity, Paterson foresaw; the other, the advantage of a rapid subscription. He then says—"If we should lay books open in Scotland for six or eight months, or a year together, we should become ridiculous at home and abroad; and for that we have many instances here in England, where, when the Parliament gives a long day for money, that fund has hardly any success, and when the days are short they seldom ever fail. The Bank of England had but six weeks' time from the opening of the books, and was finished in nine days. And in all subscriptions here it's always limited to a short day; for if a thing go not on with the first heat, the raising of a fund seldom or never succeeds, the multitude being commonly led more by example than reason."—*Darien Papers.*

of the king's natural subjects, the Dutch, who were prospering upon the ruin of the English merchant. Those who were not contributors to the new Scottish fund, looked with appalling anticipations on the trading privileges distributed with so free a hand upon another no less obnoxious people under the rule of their prince. Trade jealousies have, from time to time, made the English people frantic. The Commons were urged on to an immediate extermination of the upstart rival to English commerce. They utterly forgot that there was, in the other part of the island, an independent imperial Parliament, legislating for a free state; and an inquiry was instituted, as to those who had advised the passing of the act in Scotland, as if it had been the measure of some English dependency, for which the promoters were reponsible to the English Parliament. The Lords were roused as rapidly, and by the same influences. The two Houses held that important conclave, little seen in later times—a conference, and united in an address to the Crown against the Scottish Company.*

To the address presented to him by the two Houses, the king was reported to have made an answer which became memorable in Scotland. It was in these terms: "That he had been ill served in Scotland, but he hoped

* Their grounds of alarm are a curious echo of the sources from which the promoters predicted success,—the one speaking from the spirit of enterprise, the other from that of monopoly. The English Parliament, embodying the latter, say—"By reason of the great advantages granted to the Scots East India Company, and the duties and difficulties that lay in that trade in England, a great part of the stock and shipping of this nation would be carried thither, and by this reason Scotland might be made a free port for all East India commodities, and consequently those several places in Europe which were supplied from England would be furnished from Scotland much cheaper than could be done by the English, and therefore this nation would lose the benefit of supplying foreign parts with those commodities, which had always been a great article in the balance of their foreign trade. Moreover, that the said commodities would unavoidably be brought by the Scots into Eng-

some remedies might be found to prevent the inconveniences that might arise from this act."*

The Commons proceeded still further. They seized on the books and documents of the company in London, and conducted a threatening examination of the capitalists who had subscribed to the fund. In the end, they resolved that the directors of the company, acting under colour of a Scottish Act of Parliament, were guilty of a high crime and misdemeanour; and then they voted that Lord Belhaven and the other eminent Scottish gentlemen whose names appeared in the Scottish act as the directors of the company, should each be impeached of high crimes and misdemeanours.†

This denunciation was more insulting than practically operative, as the eminent men whom it affected were safe in their own country; and it may be counted the commencement of that series of rash insults to Scotland, which, rendering the Union necessary, were at the same time a sad impediment to its progress. The formidably hostile operations of the English Parliament had, however, naturally the effect of alarming the London subscribers to the fund; and, seeing that personal danger, as well as the pecuniary risk of being associated with a speculation on which Parliament made war, attended their connection with the company, they shrunk out of

land by stealth, both by sea and land, to the great prejudice of the English trade and navigation, and to the great detriment of his majesty in his customs. And that when that nation should have settled themselves, by plantations, in America, the English commerce in tobacco, sugar, cotton, wool, skins, masts, etc., would be utterly lost, because the privileges of that nation, granted to them by this act, were such, that that kingdom must be the magazine of all commodities, and the English plantations and the traffic there lost to this nation, and the exportation of their own manufactures yearly decreased."—*Parl. Hist.*, v. 975-976.

* Parl. Hist., v. 976; where it is taken from the contemporary pamphlets and histories. There are no means of farther authenticating this remarkable answer, than by its having generally been received uncontradicted.

† Commons Journals, 21st January 1696.

their position by failing to pay up the instalments of their subscriptions.* Their stock was hence, by the usual conditions of joint-stock companies, forfeited; and thus ended the bold attempt of the speculators to connect themselves with England.

But this very failure, and the insults attending it, appear to have given the true patriotic impulse which bore on the project; and the promoters, for a time, saw themselves more eminently successful in the energy and enthusiasm of their own poor countrymen than they had expected to be among the rich merchants of England. Only a month had elapsed after the denunciations of the English Parliament, when the subscription books were opened in Edinburgh. On the first day, the 26th February 1696, upwards of L.50,000 were subscribed. More than half of the capital was adventured for before the end of March. After the L.300,000 originally assigned to Scotland had been filled up, as many still desired to be included, another L.100,000 was added to the stock. Two days before the closing of the books, the whole enlarged capital was subscribed. The subscription-book is an interesting analysis, as it were, of the realised wealth of Scotland at a time when it was more difficult to raise five pounds than it now is to raise a hundred. The nobility and landed gentry of course take the lead; but a very large proportion of the capital is borne by the professional and mercantile classes. Advocates, writers to the signet, and physicians, appear generally for medium sums of from L.100 to L.500. The highest sum subscribed is L.3,000, and this amount stands against the names of the Duke of Hamilton, the enthusiastic Lord Belhaven,

* A meeting of the English subscribers was held in London, on the 28th of July 1696. Some of them were extremely anxious to continue participants in the adventure—the pecuniary temptation was great; but fear prevailed over avarice, and the most eager were obliged, in the end, lingeringly to relinquish the project.

and one commoner, Stewart of Grantully. The Provost of Edinburgh subscribes L.2,000; and in the mercantile class there are several subscriptions within the category of thousands. The large number of persons with the designation "merchant" opposite to their names, would be thought remarkable by one unacquainted with the mercantile nomenclature of the country. It must be remembered that in Scotland, as in France, the term includes retail traders; and thus we do not, as we would in an English subscription-list, meet with the terms "draper," "cheesemonger," or "drysalter." In general, when the term "merchant in Edinburgh" occurs, as it very frequently does, it represents a snug, comfortable class, who, having the exclusive privilege of burghership, made small competences on the steady business which the parliament, the courts of law, and the government offices, brought to the metropolis—a class who were material losers by the Union.

A separate subscription-book was opened in Glasgow, where L.56,000 pounds were subscribed. Here the wealth of the trading community is shown by several ventures of a thousand pounds by the traders of the west. They retained still a portion of the profits they had realised in the West Indian and American trade, before it had been shut to them by the Navigation Act of Charles II., and now cordially joined in a national effort to revive the spirit of commercial enterprise. Throughout the list there is a scanty occurrence of handicraft tradesmen,—as baxters, lytsters, and wrights. Skippers, or shipmasters, occur pretty frequently, and the designation often applies to those adventurous men, part owners, part commanders, who swarmed on the Spanish Main. No subscriber is set down as a farmer or agricultural tenant, though, perhaps, some of those who have neither estate nor profession attached to their name, may belong to this class. In a very few instances dowered

widows or maiden ladies deposit their scanty fortunes. But it is observable generally in the character of the list, that it consists of the active and progressive members of the community, who are bringing all their available funds into a channel of adventure; and that it affords little indication of that quiet and comfortable class, deposited in a long-enriched social system like the Britain of the present day, who are seeking a sure investment for disengaged capital. It is to be feared, in truth, that the scanty funds then belonging to widows and unmarried daughters among the middle classes, would seldom be sufficient for separate investment, but would be often borrowed to make up the sums set down by adventurous and active relations.

The turbulent Highland chiefs, who are so conspicuous in the history of the day—the Keppochs and Lochiels—have no place in this record of a species of enterprise quite distinct from theirs. The houses of Argyle and Atholl of course appear in it, as families who, besides their Highland chiefships, had other stakes and interests in the country; but almost the only person with a Highland patronymic was John MacFarlane of MacFarlane, a retired scholar who followed antiquarian pursuits in the libraries beneath the Parliament House. The Celtic prefix of "Mac" is most frequently attached to merchants in Inverness who subscribe their hundred, and confirm the view otherwise suggested, that this frontier metropolis had contained for more than a century and a half the same moderately thriving community which it forms at present,—distinct alike from the poverty of the purely Highland towns in the middle of the mountain region, and from the rapidly progressive riches of the Lowland cities. Before deserting this list, it may be well to remark one unpleasing impression produced on the meditative lounger over its contents. It is, that at scarcely any other period since the commencement of

civilisation, could any such catalogue, necessarily containing the chief men of their day in Scotland, present so few names which belong to the republic of fame, or are known out of the arena of local and national history.

The amount subscribed was, as we have seen, four hundred thousand pounds. A general glance along the entries shows an impulsive rush upon the books, as if, after the usual way in popular joint stock adventures, people feared that delay might exclude them from that select group who were to be the heirs of fortune. Though they languish afterwards, yet the books come steadily up at the end. The closing day was the 3d of August, but the whole sum was subscribed on the 1st. On that day the subscriptions were large—sixteen in number; their aggregate amount exceeding fourteen thousand pounds. It would thus seem, on the face of the subscription book, that the latest shares were pretty eagerly seized, and that the whole amount was so far within the available capital of Scotland, that, instead of drawing out its debris in small sums, the very latest available subscriptions were grasped by greedy capitalists in large morsels. The ledgers of the company, however, reveal another explanation of the phenomenon. The available funds of the country actually were overshot; but Scottish pride, as well as prudence, suggested that this should be concealed; and the handsome subscriptions at the close were made up by zealous partizans, who took the shares on being guaranteed indemnity by the company at large.* They were, in fact, stock held by nominal subscribers for the company

* Thus there is an entry of 2d February 1700—"Stock invested in the Company of Scotland trading to Africa and the Indies—Dr. to sundry accounts, L.1000, for so much William Arbuckle subscribed for the first August 1696, to compleat the quota of L.400,000 stock, p. verbal order of the Council General. And in regard Ditto Arbuckle paid in the several proportions of said L.1000 out of his own private cash—therefore the Council General ordains by their order of [ ], that the said several proportions be repaid him."

—a method of fictitious support still well known in the stock market.

The subscribed stock was as usual payable by instalments. The first, of twenty-five per cent., was due within the year; and so faithfully was it met, that the sum credited in the ledger is within two thousand pounds of the hundred thousand thus payable. Before the other instalments were all due, confusion had overtaken the speculation, and inability or apathy intercepted the payments. The books show that the whole sum actually paid in only reached L.219,094, 8s. 7⅓d. This then is the full amount of loss in hard cash, which was held to involve the ruin of the nation, and is the amount which England afterwards paid over to the shareholders out of the Equivalent fund as compensation for the losses which her invidious policy had inflicted.

One source of calamity incident to the joint-stock manias of richer countries—jobbing in shares and sales at enhanced and fictitious values—was here wanting. It was a national affair; none sought individual aggrandisement; but the Scots, with their characteristic fidelity in times of difficulty, threw their fortunes into the common lot, and were individually to gain or lose with the rise or fall of the nation. Services of all kinds were disinterestedly offered. Paterson, amidst public applause, gave up a gratuitous allotment of shares, which he and others looked upon as seeds capable of sprouting and ripening into a princely fortune. There was a disposition that would have put down all attempts to entrap the unwary, and to gamble with privileges of selection, or the means of superior knowledge. It must indeed be admitted, that, had there been a strong disposition to run the scheme through the ruin of the multitude to the gain of a few heartless speculators, the means of accomplishing it were wanting; for the subscriptions sucked up all the money in the country, and none remained for jobbing transactions

and enhanced purchases. Hence the calamities which overcame the country, sad as they might be, were the simple loss of property,—they did not involve, as in the manias which afterwards deluged England and France, inextricable adjustments between impostors and their dupes, and a consciousness that the simplicity of one portion of the people had called forth the latent spirit of rapine in the men of prey who formed the other. Whatever follies of the sanguine, the ardent, and the ambitious the Scots had committed, those who had committed them honestly abode the penalty; and, however they had been treated by other nations, they retained the proud consciousness, that not in their own streets, or in their social circles, were to be seen men who had grossly plotted on public credulity, and fed the fire of excitement, that, in treacherous coolness, they might profit by the ruin it was bringing on.

After the close of the subscription-books, Scotland seemed immediately to feel the impulse of the new project, in the sanguine excitement of all classes, and the extended employment of all who were productive workers. It was, in fact, that deceptively prosperous epoch of all speculations, in which the capital is undergoing expenditure; and while its owners are expecting a rich recompense, those on whom it is spent enjoy full employment and ready payment. Its most active department at this time was a "Committee of Improvements," whose function it was to stimulate the productive capacities of the country, that an emporium might be formed to supply the great trade about to be opened. The operations were begun in the month of May 1696. So wide were they that at one meeting we find the board engaged in a consideration of the Scottish fishery, and its extension to Greenland and Archangel. And after having arranged their sources of production, they turn to an examination of the markets which their produce should be calculated

to supply; and in this shape arrange for "a suitable cargo to the Golden Coast of Africa, another to the Negro Coast, and another for Archangel, with patterns of the several goods and their prices." The herring fishery had, from an early period, been a favourite field of exertion for the legislative friends of national enterprise. The success of the Dutch, whose busses swarmed in the Scottish creeks, provoked the sanguine in exposing the inactivity of a people who allowed the elements of wealth to be picked up by strangers at their very door. This fishery has subsequently been an object of much anxious legislation, which had long to combat with this difficulty, that the northern and western estuaries, where the greatest harvest was to be reaped, adjoined the habitations of the wild race whose energies were directed to pursuits totally different from productive industry. After much legislation, the enterprising inhabitants of the other parts of Scotland found their way to the ocean-harvest which those nearest to it would not reap; but whether the fishery was created by the extensive legislation expended on it, or by the natural tendency of the exertions of a people awakened by progress to all sources of hopeful energy, has been doubted. At all events, when the great national company began its operations, it merely looked at this source of enterprise, and did not attempt effectively to work it. It was already placed by legislation in responsible hands, and it possibly may have appeared that the prospects of successful management were not sufficient to make the new company desirous to supersede others and undertake the task.

In the meantime the company seem to have turned their practical attention to manufactures and other exportable produce. There are many engagements in their books which seem to show the infancy of some of our modern emporiums of manufacturing trade. It is visible in the distribution into separate groups, according to the

convenience of living, the presence of raw materials, the means of manufacture, or the like, of the producers of the several manufactured fabrics of Scotland. Thus there is a contract for smith and cutlery work at Falkirk, and for woollen stockings at Aberdeen. Other manufactures, then active, have decayed. At Perth there are contracts for gloves and other leather work—an old staple trade of historical celebrity there, which has now become insignificant. The manufacturing productiveness of Edinburgh bore then a much larger proportion to that of the rest of the country than it has done subsequently. Many orders are arranged there for metallic work of various kinds; for hats, shoes, tobacco-pipes, serges, and linen-cloth, with a considerable supply of bobwigs and periwigs. Some parts of the Highlands producing home-spun and home-woven woollen check or tartan, there is an order for this commodity in Dunkeld. Men acquainted with the vast Highland forests meet with the committee, and inform them of the capacities of those pine-clad districts, almost as unknown to the citizens of Edinburgh and Glasgow as the forests of Kentucky, to supply well-grown timber suitable for a national navy.

But the beneficent influence of the company appeared to spread beyond the sphere of manufacturing productiveness. They professed to do everything on a large, liberal, enlightened scale, in contrast with the beggarly parsimony that made the habits and transactions of their countrymen a byword. Their buildings, of which a melancholy fragment remains, were to raise the character of domestic architecture. They employed men of science to analyse commodities, examine machinery, and report on foreign productions. Their officers were numerous and well-paid, and the projected expeditions promised a fine field to ardent young men of good birth, in the colonial army and navy. Finally, the company issued bank-notes—a wondrous device, which seemed immediately to

restore their money to the shareholders, and to leave it virtually in their possession, while its duplicate passed abroad, fructifying into luxuriant profit.

While the company proceeded to prepare a trading stock, the arrangement of their prospective colonies and factories was in progress. It elicited fierce hostility from the English companies, and in political circles in London there was a sullenness—a want of all approval or sympathy—which boded evil. Still the Scots, occupied with their own affairs, went busily on; and it was not until they commenced to extend the relations of the company beyond their own country, that they met any considerable rebuff. They still felt seriously the want of sufficient capital for their vast undertakings; and they saw not why, though driven from England by the jealousies of the great trading corporations, they should hesitate to participate with friendly communities on the continent of Europe. They proposed thus to dispose of the English stock unallotted, amounting, after deducting the L.100,000 added to the Scottish stock, to L.20,000. A document, dated 6th September 1696, prepared in Latin under the inspection of a competent scholar, appointed some of the managers to be procurators or attorneys for negotiating a transfer of stock, to the extent of L.200,000, to be held by foreigners. While the negotiations were going on, Sir Paul Rycaut, the British resident at Hamburgh, supported by the envoy to the court of Lunenburgh, addressed the council of burgomasters of Hamburgh, informing them that the commissioners then in treaty with the citizens of their state, on the part of the Scottish company, were unauthorised by the king. The address was made in that haughty form to which the rulers of small free states are frequently subjected by the representatives of great free states; and the municipal senate were told that any definite arrangement with the company would be counted by King William

an affront, which he would not fail to resent. The memorial was sent by the senate to the assembled merchants, in their Hall of Commerce. They returned a short, spirited answer, expressing surprise that the king of Britain should threaten to control them, a free people, from making their own commercial arrangements, and especially that he should restrain their intercourse with a body on whom he had bestowed distinguished privileges. The merchants agreed to open a subscription, but they cautiously appended the condition, that it should become void if the company did not procure a declaration from the king, sanctioning their proceedings abroad.

This was the commencement of a long course of addresses from the company and its office-bearers to the king, attended by remonstrances to the Scottish officers of state. On the 2d of August 1697, a short answer to one of the addresses assured the company that, on the king's return to England, the matter would come under his serious consideration; and that in the meantime the English representatives abroad would not use his majesty's name in obstructing the commerce of the company. This bore date in January, and the company waited impatiently, but in vain, for the removal of the restraint and the enlargement of their capital, which they already felt too limited for their grand designs. When application was made to the residents, however, they declared that they had received no instructions on the matter. Over and over, when the application was repeated, until the end of the year, the same answer was received; and at last the agent of the company told his constituents, that when he appealed to Sir Paul Rycaut, he seemed to insinuate, that his private orders from the government were still to oppose the objects of the company.

Behind the mere increase of their capital, there were deeper projects involved in the continental negotiation,

and lost by its failure. Thus it appears that, with the aid of the indefatigable Armenians, the company contemplated planting a joint commerce in the peninsula of Hindustan, in the very centre of the operations of the English East India Company. But the cautious Armenians would accept of no doubtful guides; and, seeing the company disowned at the European courts, tacitly withdrew their conditional proposals.*

In the result of these negotiations, and in other matters connected with foreign affairs, Scotland felt her subsidiary position. An ambassador was, by the understanding of European diplomacy, the representative, not of the state, but of the king. The minister sent to a foreign court by William represented him in his entire sovereignty over both England and Scotland. But the representative was an Englishman, selected to support English policy, and especially the interests of English trade. He had no more to do with Scotland than with Denmark or Sweden; and would feel it his duty, in the absence of special instructions, to further the objects of his own countrymen, though founded on the ruin of the other state, of which he was the nominal representative. This grievance suggested to Fletcher and his friends the

* As the negotiation with the Armenians had to be conducted through the perilous medium of a merchant residing in Amsterdam, there are but faint traces of it, and it seems never to have been publicly known in Scotland. The following is part of the offer made through their agent, Martin Gregori, in the "Darien Papers":—

"Now if so bee that the said honorable Lords Directors does incline to lett y^e^ said Armenians bee transported with their goods, then they offer the s^d^ Company to pay ten p^r^ cent. of y^e^ vallew of the goods, provided the goods w^ch^ they shall bring inn from abroad are to be free of charges, as also att Bombay, and if in case there must bee paid any charges att Bombay that the said Company should satisfie them; Butt att Suratte the said Armenian Merch^ts^ are to pay the dew custome charges for their goods, however they shall nott be oblidged to pay any other thing more butt the said 10 p^r^ cent, once for all, after their arrivall att Suratte, and haveing receaved their goods; and because the said Armenian Merchants are allways open and sure in their trade, so they would desire the said Hon: Lords Directors to lett them have securitie that they the said Armenians shall nott be molested or

propriety of demanding special representatives for Scotland in foreign embassies. Had the residents on this occasion been commissioned from Scotland, they would have been amenable to the Scottish Parliament and Privy Council for their conduct; but, as the matter stood, they could only be spoken to through the king himself. He, to all attempts by the company, by petitioners and addressers, by private applicants, and finally by the Scottish Parliament, preserved the policy of silence. That he saw with concern, amounting to the deepest grief, the difficulties which were thickening round his northern kingdom, was afterwards apparent; but, whether from wisdom or the obduracy of his Dutch nature, he long effectively baffled every attempt to extract from him either an act or an opinion. The Scottish Secretaries of State, whose function it was to present addresses and obtain answers, were sadly disturbed in spirit between their duty to a strong legislature demanding an answer, and their deference to the monarch who would not give it, yet must not be compromised in the eyes of his people. At length, in February 1699, an acknowledgment was obtained, but it was dubious and ominous. It referred to the expedition which had been

troubled in their persons and goods by y^e^ English Nation or Company, as well in carrying their goods from England for Scotland, as in the Way and at Suratte, and likewise for dammadges or wetness (w^ch^ God forbid) and for all other sorts of claimes and dammadges w^ch^ they should or might receave from English or others, because of haveing made an agreement with this s^d^ Scotts Company: and if the said Honor^e^ Lords Directors now have no ships ready to transport y^e^ said Armenian Merchants and their goods, then they would itt could bee in 5 or 6 moneths time; and in case of an agreement they will pay the Company according th' agreement eight roupi and a halfe for each pound Starl: after their arrivall att Suratte and haveing receaved their goods there. And the said honorable Lords Directors bee pleased to take these all in their wise consideration, and likewise that itt is nott to bee once for one hundred thousand guilders, butt that afterwards itt will grow till twoo or three times hundred thousand guilders: Therefore hopeing the said honorable Lords Directors shall incline to itt and favour y^e^ said Martin Gregori with their Lordships favourable answer, for the advantage and profit of both sides."

sent to America, and intimated that his majesty must delay his answer to the addresses until he receive information about the intended settlement, the nature of which had not been communicated to him.*

To that expedition, the main object of the national hopes, and of the great company's operations, we must now turn. Their act of Parliament enabled them to found colonies; it was mainly with this view that the association was formed, and there is little doubt that ere they came before the public with their proposals, Paterson and his friends had fixed upon the place where the settlement was to be. We find that at the very commencement of their proceedings, the company express their obligations to him for his costly plans and charts, reports, negotiations with the natives, and other documents connected with a suitable place of settlement, and recommend them to be sealed up and kept secret until the time for acting on them.

Paterson's project has, even when seen through the disheartening atmosphere of failure, an exciting grandeur at the present day. It was his design to found the great Scottish colony on the well-known Isthmus of Panama. The peculiar, narrow neck uniting the two great continents of the New World, has in later times fascinated projectors, from its peculiar trading susceptibilities, suggested immediately by its position on the map of the world. It seemed but a slight barrier dividing the one side of the globe from the other; and whoever could acquire the command of its passage would occupy the greatest thoroughfare of nations, and might be said to hold the key of the commerce of the world. Here would naturally be concentrated the mutual trade of the two coasts of America—of the Atlantic and the Pacific. Much more,—it would be a stage in the shortest means of

* Most of the documents immediately above referred to, will be found in the "full and exact collection" already mentioned.

communication from Europe to China, Japan, and the unknown regions of the eastern seas. Even now, the Panama railway is spoken of as part of the future track to New Zealand and the Australian colonies. But the oft-repeated problem of a passage across the isthmus, simple as it appears on the map, is yet to be finally solved, and a few years will see another failure or final success.

The project, as explained by Paterson, had a generous and fearless liberality, standing in noble contrast with the restrictive spirit of the period. It was to be free of the narrow policy of British commerce, and utterly in contrast with the exterminating exclusions of the Spaniards. It was their policy, when they opened a trade, to exclude from the faintest participation in it every living being—to keep even the very place where it was pursued a secret. To accomplish their object, they did not shrink from the most atrocious cruelties; and instances were recorded of the whole crews of vessels being put to death because they had innocently and accidentally crossed the line of Spanish traffic. Paterson called on his countrymen utterly to reverse this policy,—to open the advantages of their commerce to all the world, and to enrich themselves, not by making the rest of mankind poor, but by leading the universal march onward. The vessels of all governments were to be free to the new ports, contributing only their proportion to the revenue of the establishment; and thus the merchandise of all nations was, in that favoured spot of the globe, to be accumulated without restriction or distinction. Scotland was calmly to take her seat as the great monarch of commerce, showering the blessings of abundance around her, and secure in the effective beneficence of her unenvied dominion,—a bright vision rudely and rapidly dispersed by hard realities.

The company purchased some vessels from the Dutch.

They were fitted out as ships of war; for the constitution of the association authorised it to make war both by sea and land. It was on the 26th of July 1698 that the fleet of three vessels, with 1200 picked men, as the first expedition, sailed from Leith, amid bright sunshine and the plaudits of a vast assemblage. On the 4th of November they landed at a projecting point on the Gulf of Darien, which had been previously designed for their fort and settlement. It was a long peninsula edged with rock, stretching southward nearly half-way across the gulf, and united to the mainland at the north by a narrow neck of land easily fortified. At the western point they built a fortress to command the gulf, and the buccaneers who visited the spot commended it for its strength, one of them terming it "a very crabbed hold." The peninsula was occupied as the fortified centre; not as an industrial settlement, for it was arid and unfruitful. An indefinite district, stretching inland, was to form the colony, and be called New Caledonia. Two sites were marked for towns; the one to be called New Edinburgh, the other New St Andrews. The weather was genial and healthy at the time of their arrival; the vegetation was luxuriant and promising; the natives were kind; and everything smiled upon the fortune-seekers.

But the concealed elements of failure were at the heart of the undertaking. England, perhaps, knew little then of the art of colonisation, in comparison with her later acquisitions; but Scotland knew nothing at all. And however ignorant they might be of others, there was one colonising department in which the English were very expert—the trading—in which their neighbours were but children. From the manufactures which had been conducted under the auspices of the company, the vessels were freighted with an extensive assortment of goods; but they were taken out at hazard, without a definite

market, or any specific knowledge of the purchasers who were to relieve the emigrants of their load.*

They had no political organisation or arrangement for government and the preservation of order. The proper colonial policy for an empire to adopt towards infant dependencies may be yet subject to much dispute; but all who have looked to the question will unite in saying that the policy of leaving them to chance is the worst of all. It was the defect of the early British colonies in general that the adventurers were too much left to their own will, and too little subjected to central check or control. They thus confounded the rights of personal property with the right to govern, and made laws affecting the interests of other people, and of the public at large, in the same absolute and unhesitating way in which people deal with their own property. Hence came a long series of local tyrannies and exclusions, including that monster iniquity, the establishment of slavery. The leaving the settlers thus to exercise their own will in any tyrannous form they might desire, was called freedom, and the license to manage their own affairs. It was a license to do whatever was cruel and unjust, and it was under it that the New Englanders, having taken a dislike to broad-brimmed hats and a particular form of personal pronouns, hanged every quaker who attempted to walk their streets.

But dangerously unbridled as the English colonies were, the most chaotic of them was scarcely so uncontrolled as the new Scottish settlement. It had no official connection with the government. The Indian and African company was an independent body appointed by act of Parliament, and it brought into existence and

* Among the commodities which the invoices of the vessels show, are axes, iron wedges, knives, smiths' carpenters' and coopers' tools, barrels, guns, pistols, combs, shoes, hats, paper, tobacco-pipes, etc. The value of the cargo of one of the vessels, the St Andrews, was estimated at L.4000.

ruled the colony. Seven gentlemen were appointed to act as the council and governors of the new state, with full power to appoint all officers, civil and military, by sea or land. When they arrived, these seven gentlemen were utterly at a loss what to do, and occupied themselves each with giving orders and counteracting those of his colleagues. They could not act collectively, and their mutual jealousy would not let them give supremacy to one. Necessity drove them to the election of a president with temporary power; but they had already begun to divide into bitterly hostile factions, and their fear of party ascendancy would not permit them to appoint a president for a longer period than a week. Each was thus supreme for a week in his turn, and generally made it his primary duty to undo whatever his predecessor had been doing. Along with some political enthusiasts, and some men of rigid piety and virtue, there were among the adventurers men of another stamp; hardy sailors, with consciences as rough and weather-beaten as their frames, whose experience of these seas was gained among the buccaneers—pirates, in short, who were ready to commit any act of blood or rapine. These "tarpaulins," as Paterson called them, had that ascendancy which the bold and reckless ever have in undisciplined camps, and their influence, aided by the fascination of a wild lawless life, was diffusing the same character through the adventurous, but heretofore respectable young men, who, under good restraint, would have been the strength and ornament of the colony.

Such were the internal evils of the colony, and now something must be said of the external. Paterson and his friends were not the only persons who had cast longing eyes on the isthmus of Darien. Its very reputed value made its peaceful possession unattainable, except by some state transcendant among the great powers. If it were open for colonisation, France intended to occupy

it, but in the meantime Spain said it belonged to her. The Scots maintained that the place selected by them was at all events unoccupied by Europeans, so that they were free to obtain a settlement there by permission of the natives, and so they did. They quoted Puffendorf and Grotius, and might have made out their claim had they been backed by the fleets and armies of Oliver Cromwell or King William. It was the worst spot, however, which adventurers, not only unsupported, but even under the frown of their sovereign, could have selected for their purpose. Appearances were much against them when they stated that there was no Spanish occupancy. There might be no Spaniards on the spot, but it was in the very middle of their settlements. On the one side was Carthagena, upwards of a hundred miles off, it is true, but at the opening of the Gulph of Darien. At its opposite extremity, and much nearer to the Scots' settlement, was Portobello; and at the other side of the isthmus was the considerable city of Panama.

Nor was this all. If the Spaniards deserted the intermediate territory, it was because they were driven out of it by those savage buccaneers and flibustiers of whom they held the Scottish adventurers to be but a new gang. Thirty years had not elapsed since the celebrated Morgan, with a band of the wildest dare-devils and ruffians that were ever made in the shape of man, had swept over the isthmus, and seized the city of Panama, burning, robbing, violating, and slaying, till they were tired. In 1680, Captain Sharpe, landing in the very place where the Scots had made their settlement, started with another gang on a similar errand, and with the fierce energy of his northern warriors, swept the Spaniards before him, as they themselves had, in the previous century, the gentle Peruvians. Sharpe, Ringrose, and the others who had made similar inroads, maintained, like the Scots, that they had made terms with the Indians; and Sharpe, when tried

for piracy, was impudent enough to maintain that he was in the service of an Indian prince, who had employed him and his followers to avenge wrongs suffered from the Spaniards. It happened that the Scottish colony, immediately on their arrival, were received by the very same prince or chief, who ominously welcomed them as his old friends the buccaneers, for whom he had a high admiration.* The parallel between the two was unfortunately very striking. The freebooters almost always professed to have credentials from some prince or state, but never were acknowledged by its diplomatic representatives; and this was precisely the position of the Scots. They presented to the Spanish authorities an act of the Scottish Parliament—a document not likely to be very convincing—and those to whom they offered it scornfully tore it, and threw away the fragments. At the same time, if the English king's representatives did not insinuate anything against them—as they were charged with doing—they yet did not befriend them as subjects of their king, embarked in a legitimate enterprise. While the colony sent courteous official letters to the governors of the neighbouring Spanish settlements, their conduct bore, in other respects, a suspicious resemblance to that of their

* Sharpe coolly begins his journal by saying,—"On Monday the 5th of April in the year 1680, I landed at Golden Island with my company, to the number of 330 men, with a full design to go and attack the town of Santamaria." The chief with whom Sharpe allied himself was Captain Andreas, of whom the following account is given by the Scottish Colony,—"On the 27th of October our ships came to an anchor in a fair sandy bay, three leagues west of the Gulf of Darien, upon which two canoes, with several Indians, came on board, were very free with our men, and told them they had been long expected, and were very welcome. Our men gave them some old hats, looking glasses, and knives, with which they were extremely well pleased, and went off. When our ships went farther into the bay, they saw about twenty Indians drawn up on the shore, being armed with bows and lances, upon which a boat being sent ashore, and making a signal of peace, they unstrung their bows, talked familiarly, and told our men that two great captains would in a little time come on board our ships. Accordingly, on November 2d, in the morning, Captain Andreas, one of their princes, accom-

predecessors. One of the native Darien chiefs, with whom they were allied, and who was called Don Pedro, sent to demand their assistance against an invasion of Spaniards. A small detachment was sent up, who, like the little bands of buccaneers, routed the enemy at once, with only a few casualties. The colonists deemed this equivalent to the protection of their own territory from the Spaniards, who threatened to drive them forth; but, of course, it was viewed in another light by their opponents. It happened that, early in March, a tender of fourteen guns, belonging to the company, passing Carthagena, struck on a rock, and required to run into the bay. Captain Pinkerton, the commander, and the crew were immediately seized and put in irons as pirates. The Scots at home, when they heard of the event, were furiously indignant at the inhospitable seizure of gentlemen of position and good family. The Spaniards, on the other hand, congratulated themselves on the capture of a few of the ruffians who had been the terror and curse of their settlements for a century. They were formally condemned to death; and on a representation of their sentence to the English authorities, it was deemed a service to draw attention to their accomplices in Britain,

panied by twelve men, came on board and asked our business. He was answered that we came to live among them, and trade with them, and would afford them European commodities cheaper than any other people. He asked if we were friends or enemies of the Spaniards; and was answered that we were at peace with all men, and would make war on no man unless they injured us. He took us for buccaneers, and told us he knew Captain Swan and Captain Davis in the South Sea, and commended them as men of valour. We heard that part of his discourse with very much coldness, and told him we came on no such design as those men did, but had authority for what we undertook. We treated him civilly, gave him a hat laced with gold, and some toys; and so he parted, promising in a little time to come again, which he accordingly did, and brought Don Pedro, another of their princes or captains, with him."—*Defence of the Scots Settlement at Darien*, p. 75. Andreas had held a commission from the Spanish government,—a circumstance that might have made the colonists at least suspect that the Spaniards had some ground for pleading previous occupancy.

namely, to the Duke of Hamilton, the Marquis of Tweeddale, and other subscribers to the project. The Spanish minister represented that the offences of these men, if truly they were, as they seemed to be, accessories to a piratical expedition, should, for the sake of the tranquillity of Europe, be properly visited.

British intervention prevented the sentence on the crew from being executed; but, in the meantime, the colonists resolved on immediate vengeance for this insult, which was aggravated by the contumelious treatment of a flag of truce, sent to make explanations and demand satisfaction. By their act they were authorised to defend their commerce by force, and to make reprisals when attacked. Under this authority they declared war against Spain, a country with which King William was at peace. They now lost no opportunity of seizing every Spanish ship, and obliterated, in the eyes of that nation, any distinction that might have remained between them and the buccaneers. Nay, it must be confessed that a strong tinge of the piratical spirit now began to be infused into all their movements. The means of peaceful occupation were not presenting themselves—they were hemmed in by hostility. Some of them had previously been connected with the buccaneers, and the original wild beast took possession of their natures when they smelt blood. It appears that in one instance they had even seized an English vessel, mistaking her for a Spaniard; and when they discovered their mistake, were unable to prevail on themselves to let go the prize.

There had been a treaty between Great Britain and Spain for the suppression of the buccaneers. Before this treaty, the British government had done nothing to restrain them, under the plea that they were outlaws whom no government acknowledged as subjects. The treaty, however, made the government responsible for the conduct of persons of British origin. In May

1699, the ambassador-extraordinary from Spain, in London, presented a solemn memorial to the court, representing the settlement of the Scots as a seizure of territory in the centre of the King of Spain's Indian dominions. Here was support only too powerful to the machinations of the English trading interest. The unfortunate enterprise threatened to break in on William's deeply-meditated plans of European policy. A worse juncture could not have occurred for an incidental and unpremeditated disturbance of his relations with Spain. It was the time of the nervous and perilous diplomacy of the Partition Treaties. King Charles II. of Spain was childless, close approaching a premature grave; and the monarchs of Europe were awaiting the moment to pounce upon his vast inheritance. Though as imbecile in mind as in his scarcely-animated frame, it was believed and feared that whatever declaration for a disposal of his territories, in the shape of a last will, could be extracted from him, or made to appear as his, would weigh strongly in the balance of competition. Recourse was had to the basest arts to influence his mind—arts which might truly be termed diabolical, since the greatest statesmen hesitated not to invoke the powers of darkness, whether as believing in their supernatural efficacy, or trusting to their terrific influence on the departing monarch's fading mind. It was not for the stately-minded William to participate in such machinations; but the result, carefully watched by him, was of the utmost moment to his plans for humbling France. It was a matter in which he had to assume a diplomatic attitude, calm but resolute, and prepare for ultimate action. And to find that a wild adventure, offensive to the most powerful and respectable of his own subjects, should affect his sensitive foreign relations at such a juncture, was an incident untoward enough to disturb a more placid temper. Before the solemn memo-

rial from the King of Spain had been presented, notice had been sent to the governors of the English colonies in the west—New York, Barbadoes, and Jamaica—warning them that the expedition had not the sanction of the king, who was ignorant of its specific objects. The governors found, that acting up to the utmost severity on such a hint, would be very acceptable to these colonies, and would be deemed conducive to the interests committed to their charge. They issued severe proclamations, as if the Scottish adventurers had really been a band of pirates, prohibiting all subjects of the English crown from giving them assistance or holding intercourse with them. These proclamations bore cruelly on the adventurers in their ultimate distress; and they were disavowed by the home government. Yet had the Darien emigrants continued in a successful and combative condition, it is difficult to say how far the king might have found it safe to discourage any severity shown by servants of the English crown to the adventurers. A rumour spread, and was noticed with deep grief by Paterson, that they were to be denounced as pirates, and left with this character to the vengeance of the Spanish and French. But their own recklessness, and calamities beyond human control, undid the difficulty so far as it lay in foreign relations, and rendered those who had caused it objects of sympathy and compassion to the least partial of their fellow-subjects.

Among the other blunders connected with the whole affair, there was a total neglect to provide for the infant colony receiving instructions, and if need be assistance, from home. From their arrival, in November 1698, they waited month after month, until June of the ensuing year, expecting but receiving no communication from Scotland. It had been a year of scarcity; and at that time a deficient harvest affected Scotland almost as terribly as it has often smitten Ireland in later times. It was carelessly believed that the colony had departed

towards prosperity and abundance—a too common view for those who remain to take of those who emigrate; and anxieties nearer home made the directors delay the proper supplies.* It was supposed that they could, at all events, obtain food by the sale, or on the credit, of their merchandise; but much of it was damaged, and for the rest there was no market. They began soon to feel the pressure of hunger. Then the evil influences of the country and climate began to work. All that is deadly in the pestilential elements of tropical America seems on that isthmus to be concentrated, as if the virulence increased with the narrowness of its area. It has heretofore defied Europeans permanently to occupy it; narrow as it is, its forests are pathless; its dense shroud of matted and rotting vegetation, with all its animate and inanimate horrors, is undisturbed by the operations of man; and it remains a question in this nineteenth century if he is to triumph over the difficulties of this formidable pass.

Between pestilence and want of food, the colony found their numbers rapidly thinning. After their fortifications and huts were finished, they were to go in search of gold mines, and on other adventurous schemes; but they were immediately arrested by the gloomy task of burying their dead. This drove farther adventure from their thoughts. The spirit of faction and division which had cursed them from the beginning grew fiercer, and a plot was detected among some of the discontented for seizing the best of the vessels and arms, and deserting the colony. In spring, death looked them all in the face should they remain, and they resolved to desert the

* In a dispatch dated 24th February, which was delayed in its departure and did not reach the emigrants until it was too late, the directors say, "We have had scarcity of corn and provisions here since your departure hence, even to dearth, and poverty of course occasioned thereby, which, to our regret, hath necessarily retarded us in our designs of sending you such recruits as our inclination did prompt us unto."

settlement, carrying with them as much of the arms as they could, but without undergoing the fatigue of dismantling the forts. Unwilling to part with their ships, they distributed themselves into three vessels, which, from the number of the sick, and the feebleness of the healthy, they could but very imperfectly man. They had no more definite object than, in their own words, to reach the first port Providence should send them to. Of the vessels which started in June, two reached New York, the one on the 8th, the other on the 13th of August. Each had lost above a hundred men on the voyage, and the remainder were so exhausted that daily some died after their arrival, and it was the remark of those who saw them that there was not enough of strength among them to man one small vessel. The ships had, in fact, been drifted towards Sandyhook, and one of them, mastless, was little better than a wreck. The New York settlers could retain but little of their old dread of trade rivalry against the miserable fugitives now drifted to their door; and yet, after the proclamations that had been issued, it became a question of difficulty, since the governor was absent at Boston, if it were safe to provide the dying men with necessary food and harbour. Though natural feelings overcame the technical difficulty, the more selfish and timid would have stood aloof and let fate take its course; and there were a sufficient number of these to make the more generous feel that their efforts to save life were not made without risk. In Jamaica, where the third vessel arrived, the sterner principle seems to have actually prevailed, and in the presence of the governor, and of a British admiral whose illustrious name is ill associated with timidity or cruelty, they seem to have been abandoned to unauthorised and uncountenanced private charity.*

* Captain Colin Campbell writes to the Court of Directors from Port-Royal, 18th August 1699: "After the loss of Captain Penycook, and most

The adventures of these ships' crews may seem too insignificant a matter to come within the scope of history.

of our sea-officers, and a hundred and thirty or forty of our men, we, upon the 9th of this instant, made the leeward part of this island, and not being able to make this place, I was necessitated to carry the ship to Bluefields, and made it my business, with all possible haste, to wait upon the governor; and accordingly I was with him yesterday, and acquainted him of all possible circumstances, but he could by no means suffer me to dispose of any goods for supplying my men, although they should starve. Then I came to this place to advise with Doctor Blair, but he is so indisposed that there is no access to him. In the next place I waited upon Admiral Benbow, and applied to him for some men to assist in bringing the ship here (she not being safe where she is), but was refused; so that I know not in all the world what to do, for I am certain the seamen will play the devil, and will mutiny, for they have not a week's bread." Sir William Beeston, the governor, was charged with having detained the vessel. He received an order from the Secretary of State not to detain any vessels of the Darien Company. In his answer he denied the detention; but even in his vindication he leaves it to be inferred that he had left the crews to starve. He says: "I told them that if they sent materials, I would not obstruct their fitting of her. But here has been none to ask about her nor fit her up, so that she lies like a wreck, and has been so pillaged by those that were left to look after her—merely for their maintenance—there being nothing sent them to live on nor to repair her, that I much question if ever they will carry her away. But if they do not, it shall be their own faults and not mine. In my own judgment I could not forbear thinking that the Scotch had but uneasy measures; and therefore, I must confess I was willing to show them what respect I could, and they have owned as much, and have no reason to say otherwise. Therefore they do not do me right in saying I have forbidden them to carry away their ship."

Another commander of a vessel, named Henry Patton, gives his tale of oppression at Jamaica in a suggestive fashion. He begins by saying, "I had a commission from the council to go master of a prize sloop from Caledonia to Jamaica, where I was no sooner arrived but found my design frustrated by a proclamation which had been issued out by the government there, prohibiting all persons to trade or correspond with any of us at their peril." He returned to the colony, but finding it deserted, he required to put into Jamaica for provisions, "but," he continues, "on the north side of that place my sloop was seized by order of a justice of peace, and condemned as a prize." This statement is contained in a private letter to the directors of the company. There is no notice taken of this, apparently the most flagrant injury committed against the company, in any of the public documents of the day. But the vessel so seized by the authorities of Jamaica was, it seems, a *prize* belonging to the colony; and, perhaps, the method in which it was acquired, would not stand rigid investigation. At the same time, it is incumbent to say that some of the company's papers hint that Patton had fraudulently sold the vessel in Jamaica. The whole affair leaves a general impression of wretched mismanagement.

But these were the events, however small in themselves, which raised a great national impulse in Scotland, and in the end affected the destinies of the empire by their influence on the Treaty of Union. The mistakes and follies of the Darien projectors have not been overlooked, and it became necessary in justice to describe those hardships and injuries which, when related to their countrymen, naturally obliterated from their view the presumption and recklessness that did so much to bring them on.

It was just when the colonists were preparing to flee from pestilence and starvation, that the company at home was fitting out a second expedition. Two vessels were despatched in May, and four others before the middle of August. They contained the provisions that should have been sent earlier; and the dispatches show the nature of the high hopes still entertained, for several skilful men are sent out in various departments of colonial occupation, and among them are two expert in the refining of gold.* In September a third expedition was despatched, and had just cleared out, as faint, incoherent rumours reached the directors, from circuitous sources, of the calamity that had befallen their first mission. It consisted of thirteen hundred men, who took with them stores of merchandise and provisions. So little were the company prepared for the evil tidings then on their way to Scotland, that they commissioned a vessel to find out

* The company procured authority to coin their own gold with their own stamps,—a vain privilege; for, though close to the eldorado of the nineteenth century, all good fortune slipped past them in this as in every other of its elements. It is due to the character of Paterson and his pupils, however, to say, that so far as their promulgations were concerned, they did not offer the colonists unlimited riches, found in gold fields, without exertion; or invite their countrymen to this, the most tempting, most capricious, and, for all that has lately occurred, least permanently remunerative object of emigrant adventure. In one of the dispatches to the directors, it is stated,—"That which is called gold dust is indeed very thick here, particularly at our watering place, in and about the water. But it proves nothing at all but shining stuff,—verifying the proverb, 'Tis not all gold that glitters.' Among the natives we find

a site for a second colony on the western coast of Africa.* The first rumours, which assumed the natural shape that the colony had been frightened away by the Spaniards, known to be preparing an expedition against them, was received with angry incredulity, and denounced as a weak invention of the jealous English. When the abandonment was confirmed beyond all doubt, and it was believed that fear of so pitiful an enemy as the Spaniards had caused it, the nation vented itself in scornful indignation against those whose despicable spirit had brought dishonour on a heroic land, and the new emigrants were earnestly besought to redeem the character of the country. The insidious conduct of the English colonial governments—the obdurate silence of the king, who regretted the loss, but who, after repeated addresses, could be got to promise nothing specifically, beyond a negotiation for the release of the persons condemned as pirates—created a spirit of burning wrath. To their common business documents, the company communicated a hostile and angry tone. Instead of abandoning the enterprise in despair, they fitted out an auxiliary expedition, with warlike instructions, and a tried old soldier, Campbell of Finab, at its head. They were instructed to join with the second expedition, which had started in ignorance of the fate of the first, and to re-take the colony by force, for it was supposed to be in possession of the Spaniards. They received special instructions, with an eye to England, not to let their flag be insulted by that of any nation,

nothing of gold or silver, save a few nose jewels such as you have seen; and scarcely amongst them all we have found as much as one ounce of gold in mass or liquet; but of the dust or ore not one grain."

* The instructions bear—"You are to proceed to the Golden Coast, where you are to negotiate and dispose of the remaining part of your cargo as you sail along the said coast; and inform yoursell likewise of any convenient place or places for a fort and settlement there. And upon notice of any such place, you are to commune and treat with the king of the place, and bring us a true account of the terms and conditions on which he'll be willing to allow our said company to settle and build a fort or forts in his dominions."

and to pay no heed to any documents, though professing to issue from the royal authority, unless they were countersigned by a Secretary of State for Scotland.

The arrival of the second expedition, was a scene of the bitterest disappointment and depression. Instead of being received with old Scottish hospitality by a prosperous, happy community, the numerous graves were the main object that attracted notice. The fort was destroyed and the huts burned down; while, instead of being converted into smiling fields, the thick masses of tropical vegetation scarcely bore the mark of man's improving hand. Gradually they were joined by a few of the deserters, and in winter the friends who had left Scotland in autumn arrived. All, however, were evidently under desponding influences, and were far from responding by their reconstructive energy to the ardent expectations of their countrymen. They lived chiefly in their vessels, dreading the insalubrious nature of the land; and it is difficult to see how they kept themselves in occupation, or what functions they deemed themselves sent out to perform. Deadly quarrels and feuds appear to have been their main pursuit. Again they found that blunders had been committed in the victualling department, which forced them on short allowance. This brought discontent and mutiny. The accusations which these men, thus forced to live in close community, levelled against each other, were of the most serious and exasperating character. It was even maintained that a plot was laid by the most desperate men among them to seize on five hundred of their fellows, and sell them as apprentices or slaves to the French and Spanish planters,—a practice with which the buccaneers had become familiar, for in that age kidnapping was not limited by race and colour. A new element of discord accompanied this instalment of the colony, in two clergymen who accompanied it. In the

first expedition, the spiritual interests of the emigrants were not forgotten, although, in their reckless career, these, along with the more material means of well-being, received too little attention from those who believed that their whole march was to be a triumph. Two ministers of the Church of Scotland accompanied the first expedition. They died early, and unnoticed—indeed, only a familiar acquaintance with the papers of the company would let one know that such persons had been connected with it. Many worthy people at home attributed the failure of the first expedition to the absence of spiritual superintendence, and spoke of the calamities of the adventurers as the judgments appropriate to those who had associated themselves together in the wilderness without allying themselves spiritually with the true church, by arrangements for presbyterial superintendence. This was now amended, and the colony was made a presbytery. But, as if every step were doomed to be a blunder, the appointment of the clergymen was made on the worst possible principles for the peace and temporal welfare of the flock. Among men of rough habits and questionable morality, who looked on a departure from their native country and its strict clerical discipline as a blessed release from the dominion of cant, it would have been wise to select spiritual guides conversant with the world, experienced in the amount of clerical restraint which restless adventurous men will bear without breaking through it, and capable of genially mingling with their rough neighbours without sacrificing the sacred dignity of their function. The clergymen sent out to the colony were, however, stern fanatics. They were, in fact, selected from those ministers of the Church of Scotland who had the strongest sympathy with the Cameronians, and who had taken refuge in the Established Church, with the moderation of which they had no sympathy, merely to protect themselves from the

slavery of ministerial connection with their hard lay taskmasters.

The antagonism between these pastors and their new flock was extravagant and fatal. Men who had all more or less a tendency to fling off every corrective bond,—who were wild, self-willed, disorderly, and reckless,—were taken in hand by stern fanatics, who would tolerate nothing diverging a shade from their own code of principles. They treated the adventurers as persons under their spiritual authority, and required of them fastings, humiliations, and long attendance on sermons and exhortations. Such pastors were treated with contempt and ignominy by men scarcely inclined to bear ecclesiastical authority, even in its lightest form. They were sent to give the adventurers the services of Christian councillors—to sustain them with hope in their difficulties—to lead them gently, and with solemn dignity, from their errors. They fell upon the persons to whom they were thus commissioned like irritated schoolmasters who find their pupils in rebellion. They became angry and dominative; and the more angry and dominative they showed themselves, the more scorn and contumely they encountered. So unfortunate had been the selection of the branch which she sent to the national colony, that the Church of Scotland did not escape the suspicion of having attempted to get rid of her most troublesome members by this honourable banishment.

But arrangements were now in progress for extinguishing all these internal discords, in the final overthrow of the settlement. The Spaniards were, with their usual deliberation, preparing an armament on the other side of the Isthmus, which, in due time, was to close around the little settlement and destroy it with its massive pressure. The rumours of these formidable operations revived the old national spirit in the wanderers, and the flame of military ardour, burning high above their petty

irritations and discontents, moved them to one last act of heroic enterprise, which cast a lustre on the dying days of Scotland's first and last colonial hope. The combative spirit of the clergy even, turned itself against the common enemy, and the Reverend Alexander Shields, reviving his old Cameronian recollections at the sound of battle, urged on the combatants, and sternly denounced the languid few who muttered caution and peace. Campbell and his followers resolved to single out and attack one of the detachments concentrating against them, however unequal might be the numbers.

We have, of course, none but national accounts of an affair which, in Edinburgh, was received with tumultuous rejoicing. The feat, according to these accounts, was an exact parallel to the daring onslaughts of the buccaneers. The Spanish force selected for attack, was stationed under Don Balthasar at Tubacanti, on the river Santa Maria—a district now well known to fame. By some accounts it is rated at 1,500 men. On the 5th of February 1700, Campbell set forth to cross the Isthmus with 200 Scotsmen, all that had withstood the influence of the season. The hardships of such a transit are well known. On the third day the exhausted expedition descended the mountains towards "the pleasant south sea;" and unable to ascertain the number of their enemy, resolved that their only function was to storm the post. Scarcely meeting their tumultuous rush, the Spaniards fled according to wont, leaving a large number of dead; and the little band brought back among their spoil, the commander's decoration of the Golden Fleece.* In three days they re-crossed the mountains, to find their poor colony blockaded by five men-of-war. Campbell and others, who, inheriting the old contempt of the Spaniards, believed that no inequality justified submission to such

* Besides the "Darien Papers," accounts of this affair are given in "Nisbets' Heraldry, i., p. 147; and see "Carstairs' Papers," p. 613.

an enemy, were for standing out. Finding that they could not carry a resolution to resist an indefinite force, among diseased, starving, broken-hearted men, they managed dexterously to escape in a small vessel, leaving the submitters to settle the negotiation; and it was a received popular opinion in Scotland, that none of those who were concerned in the sacrifice of the national honour, ever reached their native country.

Edinburgh was just about to blaze with an illumination for the victory at Tubacanti, when the surrender was transacted. On the 18th of March, a minute of the council of the colony intimates, that the motion being put whether they should capitulate to the Spaniards then besieging them both by sea and land, it was unanimously carried that they should capitulate. They made terms with the governor of Carthagena, and left the settlement. The false expectations and general mismanagement were conspicuous to the last. Two vessels containing farther detachments to join the colony, arriving after it had departed, narrowly escaped seizure by the Spanish garrison, whose flag was hoisted on the fort. The capitulation which followed the little victory was virtually the destruction of the great Indian and African Company of Scotland, as well as of the particular colony which it attempted to plant. The company still continued their trading operations, though on a feeble scale. We shall hear of them again in connection with the national events to which the fate of the expedition, and the calamities of the company, gave origin.

The wrath of the nation deepened day by day as this lamentable history in its several stages reached home. If we go back to the fundamental ground of the national indignation, we find it to rest on nothing more noble than the loss of money by the failure of a joint-stock speculation—a vulgar source of discontent with which the world is sufficiently familiar. But it was a loss

accompanied by tyrannical and tragic incidents. More material still, it touched the sense of national independence, and was believed to be caused by the oppressive jealousy of a powerful nation, against whom the people of Scotland had fought for independence through centuries of contest. Such qualifications concentrate the scattered elements of pecuniary discontent into national and patriotic indignation; and perhaps it might have been found, that if the commercial crisis of 1825, or the railway revulsion of 1847, could have been attributed to the machinations of any great foreign state, it would have raised a sense of patriotic indignation throughout the British people.

Looking back to the events in Scotland which responded to the colonial tragedy, when Seafield, the commissioner, went to open the Parliament, held in the midsummer of 1698, we find him rejoicing in his brilliant and popular reception. Many days did not pass, however, before these happy auspices were overcast by the progress of that bad harvest which made a famine winter, and by the rise of an opposition founded on the conduct of the English government towards the Darien company.* In the election of the several committees for transacting business, the government were only victorious after a tough contest; and the Commissioner writes to his friend Carstairs in subdued satisfaction, that after "the greatest pains, toil, and fatigue in the world," the government had succeeded in keeping such conspicuous members of the new rising opposition as Lord Tullibardine,† Lord Belhaven, and the Marquis of Tweeddale, excluded from these important bodies.‡ On the 1st of August, there arose the earliest decided symptoms of a parliamentary battle on the

* Carstairs' State Papers, p. 384. Marchmont Papers, iii., p. 165.

† Afterwards Duke of Atholl. In chap. III., he has been called *James* instead of *John* Murray.

‡ Carstairs' State Papers, p. 397.

great question. The first expedition had just sailed. The dubious silent policy of the king on the complaints about the conduct of his representatives on the Continent, was receiving an unpleasant explanation in rumours, that he was to disown the company and its expedition. To counteract these causes of uneasiness, or bring them to an avowal, a proposal was made in the Estates formally to renew and sanction the powers and privileges of the company. A division was for the time evaded, and the Commissioner soothed the opposition with dubious hopes and exhortations to be patient.*

Ere Parliament assembled for the transaction of business in 1700, they found the nation enraged by the disasters of the first colony, the proclamations of the governors of the English transatlantic settlements, and the king's continued obduracy. Early in the year the council-general of the company, consisting of the directors appointed by Parliament and the representatives of the stockholders, resolved to address the throne. Their appeal was committed to Lord Basil Hamilton, a young nobleman ardently attached to the opposition. He wrote back to say, that he had been refused an audience, with marks of high disapprobation towards his own personal conduct.† The country learned with gathering wrath, that a young nobleman of popular character and manners had been denied a usual privilege of his rank,

* Carstairs' Papers, p. 414.

† His letter, 29th January 1700, says—"Yesterday the secretaries came to my lodgings, and told me the king said he thought he had given the company satisfaction already, and was displeased they had sent up any such commission with me, who had given no proof of my affection for his government." Dalrymple preserves a traditional anecdote, importing that Lord Basil watched his majesty's exit from the saloon of audience, and thrust the address into his hand, on which William said, "That young man is too bold;" and then, with some incipient admiration of his spirit, continued, "if a man *can* be too bold in the cause of his country." In a letter to the Privy Council, William acknowledged that he had refused an audience to Lord Basil.

because he represented the great national institution on which Scotland's hopes were based.

A project now arose, to send a general national address to the king, desiring him to submit the affairs of the company to a Parliament. It was met by a proclamation against addresses, singularly at variance with the constitutional principles supposed to influence the Revolution Government.* But the spirit of national opposition was not only widely spreading and deeply rooting itself among the people, but was rising into unaccustomed quarters. The address was not only signed by many of the territorial aristocracy, but by judges and other placeholders, who seemed to challenge the Government to visit them with the consequences of insubordination—a symptom held to indicate that they were prepared to throw their stakes rather on the strength of the nation than on that of the Government.†

The address was presented on the 25th of March, by the Marquis of Tweeddale and other men of political standing. The account circulated among the eager

* It appears that the issuing of the proclamation was carried in the Privy Council only by 13 to 10.—See *Marchmont Papers*, iii. 194.

† See the "Marchmont Papers," iii. 192. In a document among the "Darien Papers," Haldane of Gleneagles, the chairman of the company, gives this account of the progress of the address—"This address was first subscribed by 30 or 40 of our best friends, and these of the first quality; upon which those of the Government wrot up to Court, giving a hott alarum, which produced a letter to the Privie Councel from the King, desyring them to put a stop to it if possible in the intrim. The Adress was subscribed by several Lords of the Session, by the whole Facultie of Advocats, by the Merchants, and whole Incorporations in this place; by both the Shyrs of Lothian, and by the Shyr of Stirling. This put the Councell to a stand, and made them reason very differentlie. They found the thing was law, and was lyk to be universal. So all the Lords of Session and Lauiers wer not for medling with it. However the Court partie carried by a vott that the King's Letter should be published by way of proclamation. These Lords and Lauiers above so far testifyed their disent that they withdrew from the Councel, and would not subscrib the order for the proclamation, and consequently it had no effect; for now the Adress has gon throw the whole Kingdom, and is to be sent to London in a few days, and wee hop will produce verie good efects."

Scots, was that it was received with a haughty coldness approaching to contempt.*

The Parliament, however, met in May. Queensberry the commissioner, and Marchmont the chancellor, made speeches about the deliverance worked by the Revolution, the deep debt of gratitude due to the king, his great warlike services in the cause of the protestant religion and the peace of Europe; and the impolicy of urging, at one of the most delicate junctures in the diplomatic position of the continental powers, any views or projects calculated to weaken his majesty's influence by creating divisions among his people. An address from the Darien Company, followed by a torrent of like remonstrances from the country at large, showed that this appeal was vain.† The Estates, after the routine business was over,

* In a report of their audience, transmitted to their constituents, the deputation say—"Wee were first admitted to kiss his Majestie's hand; and then the Marquess of Tweeddale told the King that wee were come to present, in all humble manner, a petition from his Majestie's subjects of Scotland, in a matter which they conceaved to be of the greatest importance, and for the honor and interest of his Majestie and that of his kingdome; and hop'd his Majestie would be graciously pleas'd to receave it: to which the King replied, he would; and thereupon the Marquess presented him the Address upon the knee, his Majestie keeping it for some time in his hand. The Marquess ask'd his Majestie if he would be pleas'd to hear it read. He said he was satisfied; and thereupon redelivered it to the Marquess, who gave it to S^r^ John Home to read; which being done, the King spoke to the Marquess in words to this purpose:—'My Lord, I suppose you know that I have ordered the sitting of the Parliament to be on the 15th May, and it cannot possibly meet sooner; and therefore I think you might have spar'd this trouble.' Upon which the King, turning from where the Marquess stood, to goe out, S^r^ John Home, who stood in the way he was to goe, told the King, that he hop'd his Majestie would look upon the Address not only as petitioning for a Parliament, but likways as witnessing the sentiments and concern of the nation for the Indian and African Company. To which the King reply'd—That would be known in Parliament. His Majestie was then goeing for Hampton Court, and wee attended him to his coach. This is what was thought fitt to be transmitted to you by, my Lords and Gentlemen, your most humble servants, TWEEDDALE. J. HALDANE. PATRICK MORAY. JOHN HOME.—London, 26th March 1700."

† The proper name of the company was the Indian and African Company, but it is usual to give it a name from its Darien expedition, and the practice has been followed here for the sake of distinctness.

took up a resolution to maintain the colony of Caledonia, as a legal and rightful settlement. Before there was time to enter on the question, the Commissioner adjourned the Parliament in a curious speech. He said he was troubled with "a cold and hoarseness," which prevented him from speaking fully. He had come with powers which he hoped might satisfy the nation on many important matters, and especially on that which they deemed the most important of all. But the aspect assumed by the discussion had rendered it necessary that he should go back and receive fresh authority from his majesty.

The Estates were now adjourned from time to time, amid deepening discontent. The General Assembly appointed a public fast and humiliation for the sins which had brought judgments on the land; but humility was far from the pervading tone of the people. Old statesmen remarked, that the temper of the country "reminded them of forty-one"—the year when Charles I. reluctantly met his memorable Parliament in Edinburgh. This deep, smouldering discontent was lighted into a momentary flame by news of the gallant action at Tubacanti. A medal representing Campbell careering on his triumphant war-horse, was struck in commemoration of the achievement. The Edinburgh people passed a popular ordinance for an illumination. It was accompanied by one of those fierce mobs, which have from time to time paralysed the local government. Wherever the illumination was imperfect, or even where it was supposed not to represent a hearty concurrence in the general joy, the windows were smashed, and the crowd went perseveringly out of their way into retired quarters, to attack the houses of members of the government. Arming themselves with any available weapons they could secure, they seized the Nether-bow Port, and the post of the city guard, capturing and parading their colours. A cry arose to attack the Tollbooth—the renowned "Heart

of Mid-Lothian"—where two men were imprisoned for circulating inflammatory handbills on the Darien question. With sledge-hammers and fire the mob battered and burned their way into the Scottish Bastile, releasing their two friends, along with the other prisoners, among whom were several Highland ruffians, followers of Fraser of Lovat.* The musical bells of St Giles's were pressed into the service of the mob, and though under corporate authority, were jingled to the tune of "*Wilful Willie.*"

It was noticed that there were but nominal efforts to punish the rioters; and that a few of them, after much shuffling and delay, had a semi-triumphal pillorying in the streets of Edinburgh.† The English statesmen of the day are found indignant at the way in which the king's business is conducted in the north—the Scottish statesmen were evidently preparing to leave the falling house of the king's government.‡

After a favourite idea, often nourished by discontented nations, that they can injure their neighbours by restricting their own commerce, an association was formed for consuming no productions but those of Scotland; and especially avoiding those taxed productions of the allies of England which brought funds to the Exchequer. The Jacobites, of course, fed the flame; and in the middle of the year a calamity happened in the death of Queen Anne's last remaining child, the Duke of Gloucester, which seemed to make a restoration a political necessity as the result of the rising discontents.‖

* Trial of Charles Weir, Robert Henderson, Alexander Aitchison, and John Easton.—*Records of Justiciary*, 22d June 1700.

† "This week three or four of the last mob were put upon the Tron; and a cook, who truly deserved to be fricaséed, scourged most gently by the hands of the hangman; the mob huzzaing them all along, and throwing flowers and roses on the Tron for their honour, and wine going about like water."—*Carstairs' Papers*, p. 615.

‡ See Carstairs' Papers, p. 539, 591.

‖ In a letter, apparently by Sir James Stewart, the Lord-Advocate, the elements of the opposition are thus analysed: "There are in it rank Jaco-

After the adjournment of the Estates, the opposition met in great numbers and influence, and sent an address to the throne. When the adjournments were continued from time to time, another national address was multitudinously subscribed. Before it reached him, the king sent a letter of explanation to the Privy Council. It was hastily published in the form of a proclamation, for it conveyed the first gleam of sunshine that, from that frigid quarter, lightened up the national gloom. It was not distinct or specific; but it expressed kindness, offered sympathy, and treated the misfortunes of the Scots with a melancholy sadness, as if the writer wished to remedy them, yet was prevented by the selfishness of others from fulfilling his desires.

But when an angry Parliament assembled on the 29th of October, they were not satisfied with the royal message addressed to themselves. Like the letter to the council, it expressed sympathy and regret. It offered all aid and concurrence with projects for the prosperity of the nation. It even offered to aid the projects of the great national company. But it made a distinction between the company itself and its colonising pretensions, and his majesty distinctly stated, taking the matter on himself, that he would not give his sanction to their colonial operations, or acknowledge the Darien settlement.*

cibites; there are malcontents who are not Jacobites; and there is a third that are neither Jacobites nor malcontents, which I call Williamites; and there are those Presbyterians, and other honest countrymen in the African interest, that have nothing before their eyes but promoting trade, and the good and welfare of their country."—24th August 1700, *Carstairs' Papers*, p. 627.

* "It is truly our regret that we could not agree to the asserting of the right of the company's colony in Darien; and you may be very confident, if it had not been for invincible reasons, the pressing desires of all our ministers, with the inclinations of our good subjects therein concerned, had undoubtedly prevailed. But, since we were and are fully satisfied that our yielding in that matter had infallibly disturbed the general peace of Christendom, and brought on that, our ancient kingdom, a heavy war, wherein we could expect no assistance, and that now the state of that affair is quite altered, we doubt not but you will rest satisfied with these plain reasons."

Again the table was heaped with addresses and petitions, representing every rank, interest, and locality. They were amply responded to in the House, and the representatives of the king then seemed scarcely desirous to stem the tide. Led by the fiery Belhaven, the House adopted stern resolutions condemning the interference of the English Parliament, and the proclamations by the governors of the English colonies.* Some pamphlets, written in defence of the king, were, with almost ludicrous rage, denounced as "blasphemous, scandalous, and calumnious libels." They were ordered to be burned by the common hangman; and the Privy Council were instructed to proclaim a reward, payable from the treasury, for the apprehension of the authors.† When a motion for asserting the legality of the colony was again brought before the House, the Commissioner deemed it a sort of triumph that, instead of taking the decided form of an act, it was, by a majority of twenty-

* Minutes of Estates—Hume of Crossrig's Diary, 48, *et seq.*

† Minutes of Estates, 16th Nov. 1700.—While the Estates thus drew on the treasury for the prosecution of the pamphleteers, one of these, named Hodges, appears to have been besieging the government for a pension. With the usual honesty and modesty of those who then pursued his profession, he says,—"I think it proper, on this occasion, to put you in mind that a too narrow encouragement will neither contribute so to my reputation, nor allow me to live at that rate, or in a creditable way to keep such converse as will be necessary for capacitating me to advance those designs of public good which I have conceived for the mutual interest of the government and nation. According to my serious reckoning, I think I shall be pinched in supporting my resolutions by any allowance under L.300 a-year."—*Carstairs' Papers*, p. 597. Another appears to have been more reasonable. Queensberry writes about a man who "can give the king undeniable arguments against our right to Caledonia, and such as may be able to satisfy all the world." He continues,—"I dealt with him to put what he had to say on that subject in writing, but he refuses to let his reasons be known to any but the king himself. If the king think this worth the expenses of L.100, he shall be sent over with all expedition."—*Ibid*, 604. Queensberry, however, seems not only to have thought that every man had his price, but to have formed a very moderate estimate of it. He proposes to give L.100 to Paterson, in the hope that, as he had set the people on the Darien scheme, he may be found "the properest person to bring them off from the extravagancy of prosecuting

four, voted in the modified shape of a resolution to be transmitted to the king.*

The idea of solving the international difficulties by a legislative union of the kingdoms, now began to be seriously resuscitated. It had been a favourite project of King William, in the earlier part of his reign. He had, as we have seen, spoken on the subject to the Scottish Parliament, and a commission was there appointed so early as April 1689, to carry out the design. It is worthy of note, however, that the suggestions of the king, and the offers of the Scottish Estates, were alike received by the English Parliament with haughty silence. Notions of parliamentary power and trade aggrandisement were then fanaticisms of the English legislature. There was an exclusive and domineering national spirit even in those advocates of freedom to whom we owe the Revolution, which would have kept Scotland ever excluded from the English trade and colonial enterprise, if it would not also have subjected the country to some dependence on the English Parliament. The menacing attitude of Scotland alone procured for her the final equality of the Union. The circumstances in which the question was again brought forward, showed the king's foreseeing wisdom. While the enmity of the Estates of Scotland was deepening, in the manner just described, the English House of Lords passed an address condemning the Scottish colony, and approving of the proclamations issued against it by the

it." His Grace seems to have been ashamed of the idea, admitting that he was "a little embarrassed" how to give such a man money, "as he has no bye end, and loves this government both in church and state." The Duke perhaps went on surer ground when, in the same letter, he said, "I must tell you one thing which you must keep very secret,—I had yesterday a private letter from my cousin, my Lady Marshall, by which she tells me that she does not doubt of bringing her lord entirely under my direction, provided that she may have leave to promise him a pension of L.300 a-year as Earl Marshall."—*Ibid.* p. 505.

* Minutes of Estates—Hume's Diary, p. 52.

governors of the English transatlantic plantations. The king's answer to this address conveyed a tacit reproof. He expressed a warm sympathy with the Scots in their misfortune, and showed that he was not prepared to head the stronger nation in riding down the weaker. He took up the neglected question of the union, and earnestly recommended such a measure to the House of Lords, with a special reference to the history of Darien, and to the adjustment of trading privileges, as the only means of saving the two nations from endless and irreconcileable discord.*

The House of Lords lost no time in following the suggestion. On the same day that the address was presented, a time was fixed "for taking into consideration an union between England and Scotland." A bill for appointing commissioners was passed by them on the 25th February, and sent to the Commons. There its fate was humiliating to its friends, for it was lost on a matter of petty etiquette, arising out of the bickerings between the two Houses. The Lords accompanied it with a recommendation to the notice of the other House, "as a bill of great consequence." The Commons took fire at this as

* The king, while assuring them that he will not neglect the interests of English trade, says, "At the same time his majesty is pleased to declare, that he cannot but have a great concern and tenderness for his kingdom of Scotland, and a desire to advance their welfare and prosperity; and is very sensibly touched with the loss his subjects of that kingdom have sustained by their late unhappy expeditions, in order to a settlement at Darien. His majesty does apprehend that difficulties may too often arise with respect to the different interests of trade between his two kingdoms, unless some way be found out to unite them more nearly and completely, and therefore his majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they would consider of an union between the two kingdoms. His majesty is of opinion that nothing would more contribute to the security and happiness of both kingdoms; and is inclined to hope that after they have lived near a hundred years under the same head, some happy expedient may be found for making them one people, in case a treaty were set on foot for that purpose; and therefore he does very earnestly recommend this matter to the consideration of the House."—*Lords' Journals*, 12th Feb., 1699 (1700).

an interference, and appointed a committee to report "whether there had been heretofore such messages of recommendations of bills, as came from the Lords with the bill intituled 'An Act for authorising certain Commissioners of England to treat with Commissioners of Scotland, for the weal of both kingdoms.'" * And on their report, the bill was thrown out on the 5th of March, at the second reading. The risk of war with a high-spirited people, driven desperate, had not yet become sufficiently imminent to overcome the commercial jealousies of the English, or awaken them to the fact, as a political necessity, that the Scots would no longer be sacrificed to the system. In less than two years afterwards, the monarch of the Revolution renewed his appeal, under circumstances of deep and affecting solemnity. On the 28th of February 1702, he sent a royal message to the Commons, calling to their remembrance his former unanswered appeals, and concluding:—"His majesty is fully satisfied, that nothing can more contribute to the present and future peace, security, and happiness of England and Scotland, than a firm and entire union between them; and he cannot but hope, that upon a due consideration of our present circumstances, there will be found a general disposition to this union. His majesty would esteem it a peculiar felicity, if, during his reign, some happy expedient for making both kingdoms one might take place; and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does, in the most earnest manner, recommend this affair to the consideration of the House.†

But the doom which was to preclude this consummation of his desires, was already closing over him. He noticed that he was prevented, "by an unhappy acci-

* Journals of Lords and of Commons, 10th February to 5th March 1699, (1700).

† Parl. Hist., v. 1341.

dent," from coming in person to the House; and this accident was the injury from which he died a month afterwards. The animosities which had been gathering around his latter days paused for a time over his grave, to be soon afterwards more sternly renewed.

CHAPTER IX.

Accession of Queen Anne—View of Parties—Change of Ministry—The great National question of Freedom of Trade—Incidental questions—The Validity of the Parliament—The Attempt to Negotiate a Union—Its Failure—A New Parliament, with its Ceremonies and Procedure—Toleration of Episcopacy—National Question Resumed—Act of Security—Resolution not to be involved in the Wars and Treaties of England—The Plot—Queensberry, Lovat, Ferguson, Annandale, Atholl, Baillie, and the other Persons involved in it—The Queen advised to Pass the Act of Security—Its Effect in England—Preparations for War—The English Counter Act and Authority for a Commission of Union—Offensive resuscitation of the Doctrine of Feudal Dependency—The Seizure of a Scots Vessel by the East India Company—Retaliation by the Seizure of Captain Green, and his Trial and Execution—The Parliament of 1705—The Parties—The Squadrone—Miscellaneous Measures—The Union Question—The Duke of Hamilton—The Commissioners appointed.

The accession of Queen Anne met the same general assent of political parties in Scotland as in England. Her birth and position had many negative qualifications, which smoothed asperities, and for a time solved difficulties. The Constitutionalists were content with one whose tenure of power was the Revolution Settlement, while the Jacobites could not but feel the accession of a Stewart propitious. And it must be remembered that the subtle niceties of abstract hereditary descent had not penetrated to all who believed in a royal family. They saw in it a race from which a successor always came forth on a monarch's death; but they had not learned that rule, unerring as the laws of nature to the legitimist, which stamps one member as the monarch, while the others are but subjects.

When the Estates assembled on the 9th of June, the Duke of Queensberry, who had been commissioner in King William's Parliament, remained the representative of the Crown, and took the office of Secretary of State along with the Earl of Cromarty; but there were some material official changes. Lord Seafield, son of the Earl of Findlater, succeeded Marchmont as Chancellor. Lord Tullibardine, afterwards Duke of Atholl, became Lord Privy Seal. And the old steady statesman, Melville, was superseded, as President of the Council, by the Marquis of Annandale, of whose political principle he had already obtained some experience in the matter of Montgomery's plot.

These appointments were supposed, at the time, to have a decided leaning to the Episcopalian, if not to the Jacobite party. But Lockhart and others, whose hopes were raised by the complexion of the ministry, had nothing to record but disappointment and treachery; while the attempts of historians to classify the leading statesmen in known political parties, has ever a motley, confused, and unsatisfactory effect. It is more consistent with truth, to view them in general as men with little settled principle, either for the Revolution Settlement or the exiled family—for Presbyterianism or Episcopacy; but as competitors with each other for the leadership of any great victorious movement, which the disturbed condition of the political elements of the time might develop. In the intense interest which each took in the other's game, the great public movements into which they threw their stakes were kept out of view, and require to be searched for behind the pamphlets, speeches, and letters, and even the memoirs, of the period. Thus Lockhart, and even Burnet, are too eager about the prospects and fate of the political leaders whom they supported or disliked, to see the great current of national feeling which, directed if not created by the patriotic party, was

carrying them all forward on its waves. Party questions, large in themselves, such as Presbyterianism, Episcopacy, and Jacobitism, were indeed swept away in this general movement. Its object was to have redress for the injuries suffered from England in the affair of Darien, and to have security to the people of Scotland for such rights of trading and foreign enterprise as were enjoyed by England. If no other means appeared for accomplishing this great end, the party were ready to accept of it in the form of a union. And when it will be afterwards seen that many of them struggled against the union on its coming before them as a practical question, it must be remembered that what they desired was a federal union, not an incorporation of the two states into one. The progress and conclusion of this national struggle, with a few episodical incidents more or less connected with its development, constitute what is truly the history of Scotland from the death of King William until the Parliament of Britain met in 1707.

One of these secondary incidents, arising out of the general feeling of restlessness among statesmen, disturbed the first meeting of the Estates. By an "Act for the Security of the Kingdom," passed during the sensation created by the assassination plot in 1696, it had been provided that on the king's death the Estates should assemble within twenty days, and remain in existence for a term limited to six months. They were to have legislative power only for such acts as were needful for the defence of the protestant religion, the succession of the crown, and the peace and safety of the kingdom. As the demise of the crown occurred on the 8th of March, and the Estates were, by adjournment, prevented from meeting until the 9th of June, a party maintained their constitution to be illegal, and drew farther objections from the nature of the business transacted by the House, as exceeding the limits of the Act of Security. This

dispute became remarkable as the first where the titular head of the house of Hamilton came forth in rivalry with the representative of his paternal Douglasses acting as commissioner, and began that mixed career of impulsive and tortuous policy, in the midst of which we shall presently find him. On this occasion he led forth a secession of more than seventy members. A quarrel ensued between the remainder, called the "rump," and a portion of the Faculty of Advocates, who had officiously supported the secession. These disputes were matters, however, of but momentary irritation. In its short sitting, this Parliament opened the great question of national interest. Resolutions were passed in support of Darien, and the claims of participation in trade; and arrangements were made for meeting England on the proposal of a union.

The recommendation bequeathed by the departed king became the first business of the reign, so far as Scotland was concerned. It was opened by the queen, in her first speech to the Parliament of England, on the 11th of March—the third day from her accession. Thus, after the English Parliament had been so frequently appealed to on the subject, a bill was passed authorising the appointment of commissioners, which became law on the 6th of May. Since the measure was one of conciliation towards Scotland, which her neighbour had hitherto haughtily repelled, it was a wise policy to bring the first overture from England; and it appears to have been to this end that the meeting of the Estates had been delayed. On the 9th of June the queen announced to the Scottish Parliament the passing of the English act; and on the 25th, at her desire, an act was passed to empower a commission to meet that of England. The two commissions began their brief career of negotiation on the 10th November. Their constitution and method of proceeding resembled those of their more

efficient successors, and may appropriately wait till the history of the treaty which ended in an actual union, is related.

It became at once apparent that the admission of Scotland to equal trading privileges, was still the great difficulty on the side of England. The first fundamental proposition—the succession to the throne, according to the Act of Settlement—was readily acceded to, as well as the second, for giving the united kingdom one legislature. As an equivalent fundamental article, the Scottish commissioners demanded "The mutual communication of trade, and other privileges and advantages." To this it was answered, that such a communication was indeed a necessary result of a complete union; but a specific answer was deferred, until the board should discuss "the terms and conditions" of this communication. There was a deficiency of attendance of English members to form a quorum, which for some time interrupted the treaty. Whether this was from their being otherwise occupied, or, from distaste of the business before them, it chafed the spirits of the Scots. When the two bodies were brought together again, the trade demands of the Scots were articulately set forth. They demanded free trade between the two nations; the same regulations and duties, in both countries, for importation and exportation; equal privileges to the shipping and seamen of the two nations; the two nations not to be burdened with each other's debts, or if they were to be so, an equivalent to be paid to Scotland, as to the nation more unequally so burdened; and lastly, it was proposed that these demands should be considered without reference to existing companies in either kingdom. This was well understood by both parties to have special reference to the Darien affair.

On the part of England it was conceded, that "There be a free-trade between the two kingdoms for the native commodities of the growth, product, or manufacture of

the respective countries." But even this concession, defined so as to exclude external trade, was not to extend to wool—an article on which English restrictions on exportation, for the support of home manufacture, had risen to a fanatical excess. A reference was made to the colonial trade—the main object of the Scottish demand of an exchange of commercial privileges. It was postponed; and in a tone indicating that it was too precious, as a privilege of Englishmen and a disqualification of Scotsmen, to be conceded.*

It was notified, almost sarcastically, that the Scottish proposals, the one for an equality of duties, the other to be exempt from the debts of England, were self-contradictory, since the duties in England were mainly levied to pay the national debt. As to the exemption, it was not utterly repudiated, but it was noticed that Scotland had tasted of the benefits from the war for checking the growth of France, and ought to share in the burdens occasioned by it. The use of this argument served, with other incidents, to show that the English commissioners were not earnest for the treaty. Three years afterwards, when their successors were really desirous to accomplish it, a totally different view was adopted. In the meantime, however, the treaty avowedly went on. It was proposed that Scotland should not be liable to any increase of excise duties until the English debts were paid, and that £10,000 annually, from the increased import and export duties, should be appropriated to the encouragement of fishery and manufactures—a more moderate equivalent than that which Scotland afterwards obtained. There was a lengthy argumentative answer to these proposals. It seemed possible that the question of debt

* "As to the third article, their Lordships say that the plantations are the property of Englishmen, and that this trade is of so great a consequence and so beneficial, as not to be communicated as is proposed, till all other particulars which shall be thought necessary to this union be adjusted."

and taxation would have been adjusted, but the inexorable source of dispute, the question of external privileges of trade, came on in a new form. The Scottish representatives having extracted no specific answer from the English on this matter, proposed that their own Darien Company should be preserved, and they offered to agree to any restrictions which would prevent its privileges from being used in England, and in direct English competition with the East India Company. The English commissioners answered bluntly, that the existence of two such companies would be destructive of trade, leaving the inference that the Darien Company must be annihilated; nor did they allude to the probability of the sufferers in that project receiving compensation. At this point, when the commissioners had held meetings, down to the 3d of February 1703, with little chance of a satisfactory conclusion, they were adjourned by a royal letter to the 4th of October.* They never met again. On the minutes of the Scottish Parliament of 9th September, there stands a resolution in brief emphatic terms, that the Scottish commission for the treaty is "terminate and extinct," and not to be revived without the consent of the Estates.

The Parliament which had ere this time come to a close, was that same Convention of Estates which had carried the Revolution Settlement, and had thus led a more protracted existence than the celebrated Long Parliament of England. Projects had been brought on from time to time to limit the duration of parliaments, but they had always yielded to expediency. Now, however, that a great national question filled the public mind, it seemed urgently necessary that the representatives should go back to the country to be invigorated with fresh blood. Steady old revolution statesmen could not even object to this, for it was the law of their

* Minutes of the Commission.

own settlement; and on the whole it seemed that the country would have difficulty in sending up a more unruly parliament than that which they saw dispersing.

The Parliament, whose career was to be so memorable, assembled on the 6th of May 1703. The "Riding" of a newly assembled Parliament, was an old feudal ceremony, of which the annual procession of the royal commissioner to the General Assembly remains a faint vestige. On this occasion it was performed with more than the usual pomp, and, in association with the legislative history of those who partook in it, left an impression more abiding than that of a vain pageant. It was remembered that all the parade and splendour of the occasion were the decorations of legislative labours which abolished the ceremonial for ever, along with the ancient national legislature, of which the old usage was a becoming decoration. As these solemnities are in themselves curious, and form a feature of national manners, the opportunity seems appropriate for a brief account of them.

The first operation was to have the long street from the Parliament Square to Holyrood House cleared of dirt and impediments—a task of some difficulty and importance. A proclamation was issued, prohibiting the use of miscellaneous vehicles within the gates of the city during the ceremony, and for preserving strict order in the crowd. A passage through the centre of the long street was railed in; and, while the magistrates provided a civic guard to the extremity of their dominion at the Nether-bow Port, the royal foot-guards lined the remainder of the street to the Palace gate. It was an absolute injunction on every member, of whatever degree, that he should ride, and any attempt to evade the chivalrous feudal usage was punished with a heavy penalty. Out of consideration, however, for those respectable burgesses or ancient professional men, to whom the elevation was unusual, arrangements were made for

assisting them to mount and dismount at the extremities of the journey.

The first movement of the day was by the officers of state, who proceeded one hour before the rest of the members to arrange matters for their reception. The Lord High Constable, with his robe and baton of office, and his guard ranged behind him, sat at the Lady Stairs, by the opening of the Parliament Close, to receive the members under his protection, being officially invested with the privilege and duty of the exterior defences of the Parliament House. He made his obeisances to the members as they dismounted, and handed them over to the Lord Marischal, who, having the duty of keeping order and protecting the members within the House, sat at the door, in all his pomp, to receive them.

The procession, according to old feudal usage, began diminutively, and swelled in importance as it went. The representatives of the burrows went first; then, after a pause, came the lesser barons, or county members; and then the nobles—the highest in rank going last. A herald called each name from a window of the Palace, and another at the gate saw that the member took his place in the train. All rode two abreast, the Commoners in dark mantles or foot-cloaks, as they were termed, like those which, in the memorable assemblage of the States of France, excited the ill-timed ridicule of the court ushers. The nobility followed in their gorgeous robes. Each burgal commissioner had a lackey, and each baron two,—the number increasing with the rank, until a duke had eight. The Nobles were each followed by a train-bearer, and the Commissioner was attended by a swarm of decorative officers, so that the servile elements in the procession must have dragged it out to a considerable length. It seems, indeed, to have been borrowed from the French processions, and was full of glitter,—the lackeys, over their liveries, wearing velvet coats em-

broidered with armorial bearings. All the members were covered, save those whose special function it was to attend upon the honours—the crown, sceptre, and sword of state. These were the palladium of the nation's imperial independence, and the pomp of the procession was concentrated on the spot where they were borne—the same as they may yet be seen in Edinburgh Castle—before the Commissioner. Immediately before the sword rode the Lord Lyon, in his robe and heraldic over-coat, with his chain and baton. Behind him were clustered a clump of gaudy heralds and pursuivants, with noisy trumpeters proclaiming the approach of the precious objects which they guarded. Such was the procession which poured into that noble oak-roofed hall, which still recalls, by its name and character, associations with the ancient legislature of Scotland.*

Let us, in the meantime, follow the legislative assembly into their hall, and cast a glance on the scene there presented. Instead of the arrangement by parties, with which we are familiar in the British Houses of Parliament, the Estates were distributed according to ranks. They all sat in one house, and appear to have been much nearer in form to the French States General, whose latest meeting had welcomed the accession of Louis XIII., than to the English Parliament. The chancellor sat as chairman, and the officers of state clustered round him on what were called the steps of the throne. Raised and decorated benches at the upper end of the hall were for the exclusive use of the nobles, and a penalty was incurred by any other person sitting there. In the centre was a table, round which were seated the judges of the Court of Session, and the clerks of Parliament.

* See for the most complete list of documents on this subject, "Extracts from the Registers of the Privy Council of Scotland, and other Papers connected with the Method and Manner of Ryding the Scottish Parliament, MDC—MDCCIII." Printed for the Maitland Club.

Beneath this, on a series of plain benches, or forms, were ranged the lesser barons and burgesses; and strangers specially admitted sat at the extremity of these seats. Beneath the bar there was sometimes a motly assemblage of the attendants on the higher members and state officers, and it would seem that the miscellaneous public, unless on special occasions, had access there.*

Twelve years had now elapsed since the Estates had achieved the privilege of conducting their business in free parliament by the abolition of the Lords of the Articles; and it may be interesting, before regarding the extinction of the national legislature, to notice generally the manner in which they had profited by their opportunities as a free debating body. Their proceedings would seem, no doubt, quaint and unscientific to those who, trained in the English House of Commons, then in its prime, were familiar with all the agile and conclusive operations which the most practical of people had adjusted from the experience of centuries. In Scotland, the legislative body was, in the first instance, hampered with the bad example of French modes of discussion; and when it had shaken free of these, the attempts to engraft on the so differently constituted assembly, some of the practices of the House of Commons, was clumsy and ineffective. That perfection in legislative decision which reduces every question to an affirmative or negative—the well ripened fruit of the wise labours of the Long Parliament—could not be rapidly adjusted to any system of tactics which was not vitally connected with its natural development.†

* See the Minutes of Parliament in the Record Commission Edition of the Scottish Statutes, and the "Acts for Settling the Orders in the Parliament House," printed for the Maitland Club.

† It was not known, or at least its value was not practically experienced, in the French Revolutionary Assemblies. There it was the practice, as in the old Scottish Parliament, for the state of the vote to be made up from the verbal declarations of the members. These declarations were not simply ay or nay, but each gave his vote in his own peculiar words; generally, in

The Estates had not learned a plan which, after the effort of centuries, was fixed and adhered to in England, as the only means of applying the method of dividing, "yea or nay" on complex propositions, such as resolutions and acts of Parliament. From an early time, the sagacious men of St Stephens saw the danger of the legislature giving its sanction to anything that had not come before them in the very words in which it was to be a law. They thus required that every clause of a bill, as it was to stand in the act, should be put to them yea or nay, and then when they were all put together as each was finally adopted, there came a general vote of the same kind on the question whether the bill do pass.

Instead of the Estates having everything which they adopted placed in express words before them, the Clerk-Register was in the practice of drawing up the acts at the end of the session, from his general view of the votes and resolutions of the House; and though the Revolution Parliaments endeavoured to remedy the defect by specific resolutions, sometimes embodying full drafts of important measures, they worked with a vagueness and uncertainty very different from the steady precision of the English system.*

The chief officers of the government, and the judges of the supreme court, had seats in the House by right of office, but no votes, unless they were members. It has often been

cases of importance, accompanied by an explanatory speech. It is said, that in this way there was an uncertainty whether there stood an actual majority for the death of Louis XVI. The voting occupied forty hours, each member speaking at more or less length, and the proper functionary recording his vote. Many of the Girondists, who desired an acquittal, were too timid to say so boldly, and their dubious statements were recorded as death. In the last Scottish Parliament, however, whenever there came to be a specific division of opinion, the vote was taken, after discussion, on ay or nay. The two methods of taking a vote were, however, so far alike, that the Scottish was by calling the votes, not by separating as in England.

* So jealous did the English Commons become of the slightest alteration being made on the words of a bill, after it had passed, that they would not, for some time, allow the words, "May it please your Majesty that it may

disputed whether, by the fundamental principles of the Scottish constitution, any measure could be carried without a majority of each Estate; that is to say, whether the Estates, though met in the same room, were virtually to vote as one body, or give their assent or dissent separately by majorities. Every reader of history is aware how momentous a similar question became in the States-General of France, and how, instead of having been fixed by early precedent, it came to be decided by the anarchical despots of the First Revolution. The practical sagacity of English legislators was shown by their early separation into distinct Houses, deliberating apart, as the signal that each was a separate body, which must record its voice through a majority, requiring to be sanctioned by a majority of the other House, ere it could be held a vote of the Legislature. The question in Scotland, whether the Estates voted separately or together, was thrown into confusion by the abolition of Prelacy, and the separate establishment of a General Assembly as the representative body of the clergy. By force of habit, the name of the three Estates, which had been applied to the clergy, the barons, and the burgesses, came to be applied to the greater barons or peers, the lesser barons or county members, and the burgesses. Whatever may have been the understanding, however, in earlier times, the lists show actual votes where a question is sometimes

be enacted," which are appropriate to measures unpassed, to be taken out of it when it became law; nor would they allow the words, "be it enacted," which are premature in an unadopted bill, to be added when it became law, so that the two inconsistent clauses are often to be found both together, in an act of Parliament. This strangely contrasts with an incident mentioned by Sir George MacKenzie, of the Earl of Middleton and the Clerk-register going to court with the acts passed during the preceding session, "which favour the register, who then governed all, earnestly desired, upon design to be rewarded for his pains *in drawing the acts so advantageously for his majesty's interest.*"—*Memoirs of the Affairs of Scotland*, p. 92. The discussion on the Act of Union bore a considerable resemblance to the English practice, as the States were set to the specific discussion of the terms of a treaty.

carried, though the majority of one Estate is against it; and this must settle the question, as far as the practice of the Scottish Parliament came to be finally established.*

The power and prerogative of the crown was as vague in Scotland, when compared with England, as the functions of Parliament. In England, the three Estates are king, lords, and commons, but we never hear of the first in the Scottish Parliament. The monarch had rather a prevailing influence than a distinct prerogative. It was only in later times that a measure seems to have found its way to full discussion in Parliament, without the ministers of the crown possessing some means of intercepting it; and when, in the progress of legislative independence, the phenomenon of measures carried through Parliament without the royal concurrence, was perceptible, it became a question whether the crown had a veto on the will of the Estates. Here was another point long settled in England before the question arose in Scotland; and fortunately long settled in Scotland by the Union, ere it became an object of momentous conflict in France. All that was established in Scotland on this matter was, that when an act passed through the Parliament, the sovereign, and in his absence his Commissioner, touched it with the sceptre,—a ceremony frequently alluded to in these pages. Analogy with English practice made some call this the royal assent; but on the other hand, it was said to be the mere proclamation that the act had passed the Estates, and it was denied that

* It was not easy, however, to find data for settling this point. The only recorded divisions known to the author are those on the great contest on the Treaty of Union, about which a good deal will have to be presently said. In analysing many of the earlier divisions, there was always found a majority for the adopted motion in each Estate, though it was sometimes so narrow as one, and almost looked as if pains had been taken to obviate unpleasant discussions about the validity of majorities, by making them, through careful management, pervade each Estate. After going over many of these provoking instances, which settle nothing, one comes on a vote on the 14th article

the ceremony was necessary to the validity of the proceedings of Parliament. On one occasion, Charles II. sent to the Parliament an angry remonstrance about an act which had been touched by the Commissioner in the usual manner; and, without saying that his representative had committed an error, or insinuating that the touch with the sceptre should have been withheld, he reprobated the measure—directed against his ministers, appointing them to be ostracised by ballot—as of a kind to which he never could consent, while he procured its recall by another act of Parliament, which ordered the offensive act to be expunged from the records. Thus, when there was a run against his government, acts were passed against his consent, and when he had the upper hand they were expunged. And again, when parliamentary feeling ran high against the crown, in the course of the events to be presently recorded, it was maintained that the touching with the sceptre was a mere ceremony not absolutely necessary to the validity of a statute, and the Parliament would have acted accordingly if the queen had not been recommended to give way.

There had been so much reason to question whether the touching with the sceptre was necessary for the validity of an act of the Estates by the old constitution, that an act was passed in the same Parliament of Charles II., prohibiting any statutes from having the force of laws without the royal authority. The object of this measure was to discredit the parliamentary proceedings of the

of the treaty, on 6th December 1706, where, in the majority which carried the vote, there are numbered thirty-six barons, and in the minority thirty-nine. This vote, standing unquestioned, seems to have put the government at ease, for we cease to see the close majorities of one or two in particular Estates, entering into some large majority of the whole. On the question whether peers and their eldest sons should be specially or only indirectly excluded from being eligible to the Commons, the latter was carried by a preponderance of Lords—a considerable majority of the Commons voting for the direct exclusion.

reign of Charles I., and provide against their repetition. But the adoption of such a measure in the tyrannical reign of which so many of the proceedings were repudiated, was sometimes held an argument to show that there was no fundamental veto in the crown.*

Let us now turn to the business before the new Parliament. At its commencement, the great question of the day was slightly interrupted by one which, at another time, might have been surrounded with the deepest interest. There were circumstances in the queen's accession calculated to disturb confidence in the Presbyterian Settlement, not yet more than twelve years old, and by no means deeply rooted in the respect or support of the aristocracy. There were no hints in her majesty's message to the Estates, or in the addresses of the commissioner, Queensberry, and the chancellor, Marchmont, tending to excite apprehension. But it was rumoured that there were suspicious tendencies in a letter addressed by the queen to the Privy Council; and the letter being printed, whether surreptitiously or by authority, tended to feed

* In a work published at Edinburgh in 1703, called "An Historical Account of the Ancient Rights and Power of the Parliament of Scotland," it is "humbly proposed to the consideration of the Parliament," "that in the next Act of Settlement they should deliberate whether it be fit to have their ancient privilege restored, that what passes the three Estates be confirmed as a law by the touch of the sceptre, without the king's having a negative voice. Not that he should be obliged to act by an implicit faith; he may be allowed to propose his reasons against any act that is offered; but if those reasons be not satisfactory to the Estates, and [the acts] manifestly tend to the advantage of the country, his negative ought not to hinder their passing into a law. This was our old constitution, and while our Estates retained those parts of the sovereignty in their own hands, it could not be otherwise—they might conclude the king, but he could not conclude them. Had it not been so, we must have been ruined by King James III. and others of our tyrannical princes; nor had we ever been blessed with a Reformation established by law. It's well enough known that Queen Mary and her husband, the king of France, refused to give their assent to the acts establishing the Reformation; but being enacted in a Parliament legally assembled, they had the force of a law notwithstanding. And though she was by her own inclination ready enough to assert her prerogative, and confirmed in that principle by her education in the court of France, yet she was so far from usurping a power to

the alarm. It professed, doubtless, respect for the church established by law; but it made a reference, evidently dictated by kindly interest, to those adherents of Episcopacy who had previously been looked upon as the enemies of law, order, and the Revolution Settlement. The letter indeed avowedly hinted at legislation in their favour. True, it asked nothing but toleration; but besides being inconsistent with the claims of the Established Church to supreme authority over the discipline and worship of the community, this was naturally believed to be only the first step towards ulterior measures. It was admitted that the church had already bound itself to toleration so far as this inferred permission to the remnant who adhered to old views, and gave no disturbance to the Establishment, to live and die out in peace; but this letter evidently pointed at a continued toleration to a perpetual succession of schismatics.*

At the same time was published the Humble Address and Supplication of the suffering episcopal clergy, representing to her majesty the deplorable condition of the

casse and annul those laws, as her great-grandson King James VII. did, that she never so much as pretended to it. On the contrary, she humbly entreated her nobles and others so far to dispense with them, as to allow her a private mass in her own palace. This petition of hers was no new or unprecedented thing in our princes, nor was it owing to the weakness of her sex or the danger of her circumstances, but the natural result of our noble constitution, which allowed our kings to petition the Estates in matters relating to the administration, but not to command them."—Pp. 17, 18.

* "We are informed that there are many dissenters within that kingdom, who, albeit they differ from the Established Church in opinion as to church government and form, yet are of the protestant reformed religion, some of which are in possession of benefices, and others exercise their worship in meeting-houses. It is our royal pleasure that they should be directed to live suitably to the reformed religion which they profess, submissively to our laws, decently and regularly with relation to the church established by law, as good Christians and subjects; and in so doing, that they be protected in the peaceable exercise of their religion, and in their persons and estates, according to the laws of the kingdom. And we recommend to the clergy of the established discipline their living in brotherly love and communion with such dissenters."—*Her Majesty's Letter.*

national church, since the suppression of the truly ancient and apostolic government of the church by bishops. They spoke about the disgrace brought on a Christian land, wherein those consecrated at the altar to the service of Christ lacked bread, and were dispersed as wanderers; and offered many like exhortations, with which it was believed that her majesty had only too much sympathy.

Following up these preliminaries, an act was brought in by Lord Strathmore on the 1st of June, "for a toleration to all Protestants in the exercise of religious worship." Two days afterwards we find that the House called for and read the queen's letter to the council; but the project died away amid resolutions for national independence, communication of trade, and the burning of books offensive to the Estates and the people of Scotland. The Presbyterians, indeed, at that time had an accession of strength from those who disliked Episcopacy because it was English, and because its countenance would give satisfaction to the English government; and Lockhart complains that his Jacobite friends were sometimes to be found giving aid to the Presbyterian cause. A section went the length of moving a clause in the Act of Security, virtually requiring the sovereign to be a conforming member of the Scottish Establishment. This proposal was lost on a division.* But, on the whole, the Presbyterian party were triumphant. A declaratory act was passed, ratifying and confirming the church establishment of the Revolution; and it was at the same time made high treason to impugn any article of the Claim of Right.

* Minutes, 14th July. The motion was—"That the clause empowering the Meeting of Estates to declare a successor to the crown, of the royal line and of the Protestant religion, might receive the addition of these words, viz., 'of the true Protestant religion, as by law established within this kingdom.'"

But the Estates were again, as they had been in the first Revolution Parliament, engrossed in temporal business more deeply exciting to them even than religious disputes. They had come back from the elections with a strengthened spirit of nationality, and proceeded actively to legislative declarations of hostility against England. An act was passed, restraining the right of the monarch to make war on the part of Scotland, without the consent of the Scottish Parliament. With the purpose of showing indirectly that Scotland held no part in Marlborough's great European combination against France and Spain, an act was passed to remove the restrictions on the importation of French wines, and so to open a trade with the natural enemy of England. It was received with great satisfaction by the Jacobites, who found that it promised a means of communication with their exiled court, and on that account received the opposition of Fletcher, who ever disdained to serve the purpose of those whom he counted the common enemy. These acts were not refused the royal assent. They were accompanied by many strong declarations of independence, and by a ratification of the powers of the Darien Company.

In many of the proposals of that excited Parliament, may be traced the spirit of republicanism which had appeared in the Revolution Convention, and ripened under the fostering care of Fletcher and his school. Of such a character was a plan proposed by Fletcher himself, which received the name of the Limitations. Its object was to take the patronage of office out of the hands of the Crown, and exercise it in the Estates by ballot. When some of the courtiers spoke of the project as republican, its author said, that it merely transferred the power of governing Scotland from a knot of English placemen to the national representatives. But the great efforts of the national party were concentrated on the famous Act of Security.

Immediately after the death of Queen Anne's last child, the Duke of Gloucester, the Parliament of England proceeded to a settlement of the crown of "England, France, and Ireland, and the dominions thereunto belonging." On an analysis of the royal family, discarding the offspring of Charles I., who, dispersed among the various European thrones, were all popish, they found that, for a protestant successor, they must look to the other descendants of King James I. They found what they sought in a venerable lady, who had been married to a considerable German elector. The princess Sophia was the daughter of James's own unfortunate daughter Elizabeth, the wife of the king of Bohemia. The crown was therefore settled on the Princess Sophia and her heirs. This was entirely in conformity with English constitutional notions, which sanction the breaking of the hereditary line where it is necessary, but, instead of an elected monarch, devolve the crown on the next heir. On this principle the representation came, by an easy natural law of genealogical gravitation, to the princess Sophia. There could be no doubt about it; and it was expected that Scotland would follow in the same line of selection as a matter of routine. But Scottish politicians had not adopted a rule of succession so simple, strong, and compact, that it could be shifted to get over a difficulty, without disturbing its working order. In the method of their deposition at the Revolution, they showed that, when once driven to act upon the throne, they opened the full question of deciding, by whatever criterion they pleased, whether it should be left, and who should ascend it. They could not see that the succession must of necessity pass through the tortuous line which brought it to this unknown electress. They considered that, if the Parliament of England expected the co-operation of the Scots Estates, there should have been some international conference and treaty; and that Scot-

land, expected to follow the example of England without being consulted, had received a national insult. The means of answering the insult seemed at hand, were they wisely and boldly worked; and it was resolved to seize the opportunity for taking up an independent national position, and becoming a kingdom separate from England, with a distinct and entirely independent government.

The "Act for the Security of the Kingdom," nominally introduced by Tweeddale, was fabricated into ultimate shape in hot debate, where it received its chief impress from Fletcher. Its main provisions, as it was passed, were these,—That on the death of the queen without issue, the Estates were to name a successor from the Protestant descendants of the royal line of Scotland, but the admitted successor to the crown of England was excluded from their choice, unless "there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom—the freedom, frequency, and power of parliaments—the religion, freedom, and trade of the nation, from English or any foreign influence." It was made high treason to administer the coronation oath without instructions from the Estates. By a further clause, to come in force immediately, the nation was placed in a state of defence, and the able-bodied population were ordained to muster under their respective heritors or burrow magistrates.

This measure was the object of a long and fierce parliamentary battle, from the 28th of May to the 16th of September, when the Parliament was adjourned. Even in the journals of the House there are symptoms of the excited contest—in late sittings, frequent adjournments at critical moments to avoid offensive votes, and enforcement of the rules of the House against members whose impetuosity had carried them beyond the

license of debate. Charges of corruption, tyranny, and bribery—denunciations of foreign domination and insult —and lamentations, rather ferocious than pitiful, about national degradation and slavery, crowded the debate. Ministers scarcely dared to speak, lest they should be counted as the servants of their country's enemies; and when the Commissioner gave assurances in the hope of mitigating the fervour of the House, he was scornfully asked if he had obtained the consent of the Lord Treasurer of England, so as to be really able to keep his word should the House accept it. If a member said any thing that could be construed as a leaning to England, cries to take down his words, or to send him to the Castle, imported that scornful denunciation of his sentiments for which his opponents could not find argumentative expressions sufficiently powerful. Lord Marchmont brought down on himself a heavy storm of this sort of indignation. He professed to offer an act to settle the succession. The House, curious to know what novelty was to be brought before them, listened patiently while the clerk read it, until he came to the obnoxious words, "Princess Sophia:"—then the hurricane burst. Angry at having permitted themselves to listen to high treason against their act of security, they turbulently demanded of each other in what form they could most witheringly denounce this insulting proposal, and finally determined that all trace of such a project having been made should be expunged from the minutes of the House.

The Act of Security was triumphantly carried; but the Commissioner bluntly told the Estates that he was ready to give the royal assent to all their acts save *that*. Denied the usual sanction to their favourite measure, they consoled themselves by strengthening the terms of their declarations of independence and denunciations of English domination. They spoke of rather dying freemen than living slaves; and when attempts were made to interrupt

the current of their wrath, said that, if denied the expression of their desires in Parliament, they would proclaim them with their swords. Fletcher again brought on his Limitations; and, led by him, the Estates were proceeding to vote for the frequent holding of parliaments, annual elections, and the exclusion of office-bearers. He ventured even to sneer at the popish exclusion, and said that, with proper limitations, he feared not the dominion of a Papist—without them, no religious opinions could afford security. In the midst of such rhetorical warfare, the House was adjourned on 16th September.*

At this stage of the main history a curious minor incident occurred,—called in England the Scottish Plot, and in Scotland the Queensberry Plot. An intimation was received by the governor of Fort-William from an officer stationed at Inverness, that a general gathering of Highland clans was to be held in Lochaber on the 2d of August. The avowed object was a grand tinchel or driving of the deer; but deeper views were supposed to be hidden beneath the projected sports, and statesmen suspected a political gathering, such as afterwards, under the aspect of a hunting match, opened the rebellion of 1715. This was accompanied by other more formidable symptoms. The English ambassador at the Hague was told that a considerable sum in gold had been sent mysteriously to Scotland through a commercial house there. In March the queen had granted through the Scottish Privy Council a general indemnity, for political offences, to those who should promptly accept it, and qualify themselves by taking the oaths. It was not intended that it should extend to the immediate adher-

* The proceedings of this Parliament, so far as not recorded in the Minutes, will be found at considerable length in a note to Tindal, iii., 603, *et. seq.* They are given even more fully, though not so distinctly, at the commencement of the second volume of Bower's Annals of Queen Anne. The most accurate, though not the most animated report, is in Hume of Crossrig's Diary.

ents of the exiled court living abroad, but many of them returned to Scotland professedly to reconcile themselves to the government, and come under the indemnity.

Thus suspicion was excited by the progress northwards of such men as Lindsay, the secretary of the Pretender's prime minister; Sir John MacLean; young Murray of Stanhope; Robertson of Strowan; and Lovat, who had fled for worse crimes than Jacobitism, and could not expect to find safety unless his presence were accompanied by a revolution. It is not clear how far the apprehensions of the government were caused by realities. According to the accounts given by Lovat, he had laid before the exiled court a plan for raising the Highlands, and he went over fully commissioned to put it in execution. Whether from suspicion of the man, or other causes, the clans would not obey his call, and he had to return to his friends in France with no better result of his journey than some bold falsehoods of his own invention. Whatever doubts, however, may obscure the fundamental designs of the Jacobites, some incidents of their visit left behind them real effects. Lovat, having a deep feud with Lord Atholl, the Keeper of the Privy Seal, founded on the family disputes elsewhere mentioned,* laid a plot for his ruin. The Commissioner Queensberry, who had an official rivalry with his brother minister, was unconsciously prepared to aid in the project. Young Lovat obtained an interview with this high officer, on the assurance that he had important secrets to reveal. He made the startling but not unwelcome statement that Atholl was in correspondence with the exiled house, and offered to produce evidence of the fact. He was desired to do so, and took the following method: He possessed a letter signed, with only one initial, by the ex-queen. It spoke as to a friend who would not be wanting when the

* See above, chap. iv.

day for exertion came. It had no address, and is believed to have been intended for the Duke of Gordon. Lovat took the liberty of writing on the blank cover the address of the Marquis of Atholl, and so presented the letter, which attested its origin by the likeness of the exiled king on the seal.

The delighted Commissioner sent this letter, unopened, to the queen, on the 25th of September. The plotter Ferguson had, in the meantime, got some clue to Lovat's machinations, and, professing to join in them, reached the secret of this trick on Atholl. Finding that there was no satisfactory and promising plot in which he could himself embark, he resolved to defeat this piece of mischief, and revealed it to Atholl. He, indignant at what seemed the secret machinations of his colleague, demanded explanations; and the result of these was, that Queensberry was obliged, in the midst of much censure and ridicule, to quit office.

Young Lovat, seeing the storm he had been raising about to burst on himself, suddenly disappeared, and was so fortunate as to find his way to the Continent, while denunciatory warrants of various kinds were thundering after him. Another, but inferior under-plotter, was, however, sacrificed. David Baillie was brought before the Privy Council on a charge of leasing-making—an indefinite offence, consisting in anything likely to bring an officer of the crown under ridicule or contempt, tried by a body with indefinite powers. As the charge against Baillie was, that he made charges against some persons, of endeavouring to get up charges against others, it is not easy to state it distinctly. It was asserted that he accused Queensberry of having offered him inducements to get up a charge against the Duke of Hamilton, Lord Atholl, and Chancellor Seafield, of holding a traitorous correspondence with the exiled house. He had added to this the assertion, that Lord Annandale wished him to

fabricate a tale of Hamilton and Atholl having met him, disguised as women, to devise Jacobite plots. Of these efforts to seduce him to ruin Hamilton and Atholl, he had given intimation to Hamilton; and it was for giving this intimation, maintained to be an entire fabrication of his own, that he was tried for leasing-making. Through such a trial as he received from the Privy Council, it is difficult to trace how far there was truth in the charge against him, of accusing Queensberry and Annandale of plotting against their rivals. And again, presuming it true that he had so charged them, it is not easy to say whether he may not have had, at least in one instance, reason to believe in the charge. Queensberry was a man of comparative integrity; but Annandale was the same whom we have met so deeply stained with the treachery of Montgomery's plot, and so abjectly humiliated in contributing to its defeat. It is a sad index to the then amount of available official honesty, that even King William had found it necessary to promote this man; while, on the accession of the queen, he took high office. Looking back on his humiliating revelations, it is difficult to imagine how one who had so stood in the political penitentiary could be invested with the respect due to office; but it must be remembered, that what is now revealed was then hidden in the recesses of the state paper office, and the strong boxes of statesmen.* The Council convicted Baillie of the charges against him, and sentenced him to be transported to the West Indies. This was deemed a dangerous stretch of prerogative in the Privy Council, which could no longer, as in Charles II.'s day, act unquestioned. A threat was thrown out to bring

* A contemporary describes him as "extremely carried away by his private interest; hath good sense, with a manly expression, but not much to be trusted; makes as fine a figure in the Parliament House as he does in his person, being tall, lusty, and well shaped, with a very black complexion."—*Macky's Memoirs*, 185.

the matter before Parliament. To avoid such an exposure, the sentence was withdrawn. Baillie, however, had to stand in the pillory, where, his cause having become popular, he received the honours conferred on such occasions upon democratic favourites.*

The Queensberry Plot may be held as a type of the official caballing and trickery which, owing to the formidable uncertainty of events, and the temptations which statesmen consequently had to undermine each other, had reached a climax in the Scottish disputes preceding the Union. To trace out the threads of the various little plots and counterplots, would be a tedious uninstructive task; nor where there was so much winding concealment, distrust, and treachery, would it be easy to give the several little narratives the continuous clearness which it is desirable to attain in history.†

The elements of discord stirred up by the Queensberry plot were not confined to Scotland. Like all the other Scottish affairs of that day, it had its English history.

On the 13th of December, the Queen went in person to the House of Lords, and there intimated to both houses, that she "had unquestionable information of very ill practices and designs, carried on in Scotland by

* Baillie's case will be found at length in the State Trials, xiv. 1035.

† Among other collections of letters and state papers, the best notion of the petty spite and trickery of the chief statesmen towards each other, may be found in the "Jerviswood Correspondence," edited by the Earl of Minto, and presented to the Bannatyne Club. One is generally surprised that so many letters of that day, even between statesmen acting in office, should be in cypher; but when it is seen how they speak of those with whom they may perhaps afterwards have to form political alliances, it is not wonderful that they should seek a secret medium of communication. The distrust appears to have been intense; and it is not uncommon to find one minister of the crown, when writing to another, saying that he cannot be explicit, as the letter goes by the ordinary post. Injunctions to change the cypher are frequent, —so to use an entirely feigned hand, "for your wife's is known as well as your own;" and the perplexing obscurity of a letter is sometimes explained by the next in order stating that it was necessary to write nonsense to put traitors on a wrong scent.

emissaries from France, which might have proved extremely dangerous to the peace of these kingdoms." She at the same time wrote to the Privy Council of Scotland, directing them to institute a judicial inquiry into these transactions. As they related to the government of Scotland, this was the proper quarter on which to devolve the inquiry. The House of Lords, however, excited either by zeal or suspicion, took the inquiry on itself, and appointed a committee of seven, who examined, along with some inferior persons in the Jacobite interest, Sir John MacLean, who had been caught in England on his way to Scotland, where he said he expected to come within the indemnity. This, however, being a document issued out of England by unknown persons, and through some forms of which the law of England knew not the existence, went for nothing.* MacLean, finding himself in danger, told all that he knew, if not a great deal more. He gave the names of the council at St Germains, who had projected the rising; and said it was designed to place the Duke of Hamilton or the Duke of Berwick at its head. After a tedious inquiry, the committee reported the little that appeared to be authentic, out of the multitudinous statements made to them, and the House addressed her majesty offering an opinion that the encouragement given to her majesty's enemies at home and abroad, was mainly caused by the succession to the throne of Scotland not being declared to be in the Princess Sophia.

* On the 19th of April 1704, David Lindsay, who had acted as secretary to Lord Melfort, the Pretender's minister, was apprehended on the English side of the border, and put on trial for high treason, under a proclamation by the English government against any subject of her majesty passing to France. He pleaded not only the general indemnity in Scotland, but a specific pardon granted there. The English court, however, would not look at these documents. They might protect him elsewhere; but it was enough to guide an English court that he was a subject of her majesty, and that he had broken the proclamation. He was condemned to death as a traitor, but was reprieved. His condemnation was viewed even by his enemies in Scotland as a national insult.—See his Trial, *State Trials*, xiv., p. 987.

This inquiry, and its result, created high indignation among the Scots, and they had the satisfaction to find that it brought on the House of Lords another and a nearer castigator. Their committee touched the House of Commons in a very sensitive place. The time had passed when the Houses could separately enlarge their privileges. Each appearing to possess all that was necessary for the development of legislation, any attempt by one of them to claim a new function, was certain to excite the jealousy of the other. The committee of investigation appeared to be an assumption of those powers of criminal inquiry and prosecution, which were an executive function of the crown. The Commons could not tolerate a precedent which might give a new and formidable function to the House of Lords; and addressed her majesty, begging her to exercise her prerogative, and instruct the inquiry to be carried on by her officers.

Thus, for a time, the international contest broke off into a parliamentary conflict between the two Houses in England. It was long and acrimonious, the Commons charging the Lords with dangerous innovations, insolent arrogation of the royal prerogative, and a design to subvert the government; while the Lords represented to her majesty that expressions so harsh and indecent had never been used to their august body, save by that House of Commons which "took upon them, not only to abolish the House of Lords, but to destroy the monarchy,"—an insinuation which they accompanied with an assurance that they would carefully avoid a retaliation in kind, knowing too well what they owe to themselves to imitate the abusive language of the Commons.*

The Scottish Parliament re-assembled on the 6th of July 1704. The first formal proceedings were to receive a considerable list of patents of dignity, indicating

* Parliamentary History, vi., 172–224. A Collection of Original Papers about the Scots Plot, 4to, London, 1704. Privy Council Records.

attempts to secure friends of the government among the leading members. The queen's speech, naming the Marquis of Tweeddale to succeed Queensberry as commissioner, expressed, as sorrowfully as such a document could, her concern that, with all her endeavours to heal animosities and divisions, "the rent is become wider." The speech pleaded earnestly for the settlement of the succession, anticipating that, without that precaution, Scotland would speedily "make the kingdom the seat of war, and expose it to devastation and ruin."

The immediate business after this appeal was a resolution not to name a successor to the crown until a satisfactory treaty was made with England for the regulation of commerce, and in the meantime to take measures for securing the independence of the nation. The Estates passed a resolution denouncing the interference of the English House of Lords in their inquiry about the plot, and an address to her majesty regretting that such an encroachment had occurred upon her majesty's prerogative as Queen of Scotland, while they humbly requested that in her wisdom she would take such measures as might prevent the like meddling for the future.

The Act of Security was again passed, and apparently without resistance, for the temper of the nation and its representatives was now in that condition which makes statesmen dread discussion more than unchecked open enmity. It was deemed unwise again to refuse the royal assent. Fletcher and others had been propounding the formidable doctrine, that the touching with the sceptre was a mere form of authentication by the old constitution of parliament. The touch, he said, gave authority to the laws, as the sovereign's stamp gave a currency to the coin, but there was no right to refuse either. An act of the Estates might be good without the touch, though a measure of the tyrannical reign of Charles II., illegally

passed, had said otherwise. At that time, the tacking to supplies the bills which the Commons were determined to fight for, had become a frequent practice in England, and it was imitated by the Scottish Parliament for the purpose of carrying the Act of Security. The form was not the same as the English, as there was no Upper House to be coerced by employment of the privileges of the Lower. But the imitation was carried so far as a determination by the Estates not to grant the funds for the support of the Scots troops if the Act of Security were not touched with the sceptre; and so, in the statute book, it is immediately followed by an act for the "supply of six months cess upon the land rent."* When the Queen desired the Privy Council to make inquiry into the truth of the Queensberry Plot, they complained, in their answer, that the loyal portion of the nation in the Lowlands was comparatively unprotected, while the Highland Jacobites were well provided with arms. This was a tacit reflection on the failure to sanction the act intended for placing the nation in a condition of defence.† A project has been attributed to Sir John Dalrymple, who had succeeded his venerable father in the title of Lord Stair, characteristic of his bold, reckless character. It was to supply the Scots troops with pay from the English treasury. The plan could not have escaped discovery, and the nation was not in a temper to tolerate it. If it

* See the Debate on the Tacking, in Hume's Diary, p. 146.

† The regular troops in Scotland, before the Act of Security was passed, amounted to a force of 2934, or in a round number, three thousand, of whom a troop of guards, and two of dragoons, made 530 mounted men, while in Edinburgh, Stirling, Blackness, and Dumbarton, there were resident garrison forces amounting to 324 men more or less trained to the use of artillery. The regular infantry consisted of 15 companies of foot guards, with 46 men each, which, with two companies of grenadiers, made 806 men; of two other regiments of foot, 772, and of a third stationed at Fort-William, 410. The complements of the garrisons were, Edinburgh, 145; Stirling, 117; Dumbarton, 59; and Blackness, 3.—See *Establishment of the Standing Forces*, 15th May 1702, preserved in the Register House, and printed for the Maitland Club.

were ever entertained, it was well that more cautious counsels prevailed; but it was so seriously believed, that the Earls of Rothes and Roxburgh, with Baillie of Jerviswood, were sent to London to lay the matter before her majesty; and the national apprehension was only allayed by her majesty's personal assurance that no such design was entertained.*

It is said that, in the royal assent to the act, the ultimate recommendation of the Scottish ministry was supported by the advice of the sagacious Godolphin. In thus sanctioning a measure which virtually separated the crowns of England and Scotland, throwing the nations which for a century had been in restless union, again into separation, rivalry, and hatred, he doubtless had his own reasons for anticipating a course of policy likely to turn this apparent evil to good results. It was of course natural that this important matter should be speedily taken up in the English Parliament.

England was in fact alarmed by rumours of a vast armament going on in Scotland. The numbers of men said to be in training, and the quantities of arms and accoutrements imported, were far beyond the limited capacities of Scotland. There was, however, a considerable muster and training under the provisions of the act, and the Scots were not grieved to find that they had at last fairly sent alarm into the heart of haughty England. It was clear that the Act of Security, though the measure of a separate and independent legislature, must, in some shape or other, be examined and discussed by the two Houses of Parliament in England. The grave duty of opening the matter fell to Lord Haversham, who desired and obtained a call of the House on the occasion. His address was calm and serious, as befitted the weight of the matter at issue, and the peril of the juncture. He

* Marchmont Papers, iii. 264.

made no attack; he presented himself in the most impressive form in which a senator can come forth—grieved rather than angry, appealing to reason and reasonable men's desire of peace—and using no rhetorical weapon, whether of reprehension or sarcasm. His strongest disapproval was conveyed in these words,—"I think every man wishes these things had not been; and, in my opinion, there is no man but must say they should not have been." He drew a slight sketch of the political state of Scotland, —true both in its lights and in its shadows;—

"There are two matters of all troubles: much discontent and great poverty; and whoever will now look into Scotland, will find them both in that kingdom. It is certain the nobility and gentry of Scotland are as learned and as brave as any nation in Europe can boast of; and these are generally discontented. And as to the common people, they are very numerous and very stout, but very poor. And who is the man that can answer what such a multitude, so armed, so disciplined, with such leaders, may do, especially since opportunities do so much alter men from themselves."*

A sitting was appointed for the full consideration of

* Parl. Hist. vi. 370. This somewhat courteous method of describing the Scottish people appears to have been popular among them, and a pamphleteer of the time said,—

"Had others of his lordship's countrymen, who have had occasion to mention our affairs, treated us with the same honour and candour that his lordship has done, our discontents had never risen so high as they are at present. Our countrymen are not so fond of a stoical apathy as to continue insensible of injuries attended with scorn and contempt. His lordship may easily believe, that since our nation did, by act of Parliament, soon after the union of the crowns, forbid all reproaches upon England, by word or writing, under severe penalties, they don't think themselves very handsomely requited, when every forward author may with impunity launch out beyond his depth, and attack our antiquity, sovereignty, and independency, by counterfeit histories, and forged charters; when some that were in public posts have countenanced runegate fellows to libel our country, to treat our country's trading by national authority as pirates and freebooters; and when every impudent libeller may safely make our country the subject of his buffoonery and laughter." —*Reflections on a late Speech by the Lord Haversham*, etc., 4to, p. 15, 16.

the matter, on 29th November, when the queen was present, "both to hear the debates about that important point, and to moderate by her presence any heats which might arise."* It was at first proposed that some vote of censure should be directly passed against the Parliament of Scotland, and the opposition supported this view, as well calculated to embarrass the government. But the ministerial leaders and their friends felt that to sit in judgment on the proceedings of an independent legislature was worse even than a declaration of war; it was the arrogation of a legislative superiority in England over Scotland. It was therefore wisely resolved, that though the measure adopted should be strong, it should be entirely one of internal protection, isolating England from her self-willed neighbour by protecting the country from invasion, and depriving Scotsmen of the privileges of English citizens, until both nations were either legislatively united, or could look forward to a common regal succession.† An

* Parl. Hist., vi., p. 371. Secretary Johnson writes to Mr Baillie of Jerviswood, 2d December 1704: "On Wednesday, the queen being in the House, at first on the throne, and after (it being cold) on a bench at the fire, my Lord Rochester desired that the Act of Security might be read. This was opposed and debated for an hour, as that which would irritate, and being against their friends. The act read about Darien was authentic, being printed at Edinburgh; but the act produced being printed at London, had no authority. The church party were for reading, and the whigs against reading, but yielded that it was an act of dangerous consequence to England, and that they all knew what it was, and might fix upon any part if they pleased in arguing. Lord Treasurer (Godolphin) said there were indeed great difficulties in Scotch business; but the way to overcome them was not to add to the irritation; that matters there were not irretrievable; that her majesty was in the way to bring matters there right; that she had employed men of capacity, and who are sincere and zealous in her service; and he hoped the House would do nothing to render matters more difficult. Here one said he was glad to know that matters were retrievable, for no man was a better judge than the lord who spoke. Thus the reading was dropt, as also the passing a vote upon the act."—*Jerviswood Correspondence*, p. 14. In this letter there is a report of Bishop Burnet's speech on the occasion.

† The Lords Somers, Wharton, and Halifax, "were not for telling the Scotch they ought not to pass any act that House should not like, but leav-

address was presented to the queen, desiring her to fortify Newcastle and Tynemouth, and repair the works at Carlisle and Hull; to embody, arm, and discipline the militia of the four northern counties, and to march regular troops to the border. Her majesty's answer savoured of moderation, consideration, and delay. A survey applicable to the proposed fortifications was to be made and laid before both Houses, "and what forces could be spared from their attendance here, should be quartered upon the borders as they had been the last year." The House proceeded rapidly with the legislatorial labours. On the 20th of December, they read a third time, and sent to the Commons, a bill for the entire union of the kingdoms. They were thus proceeding with measures for the consolidation of the empire, when they were met by a new impediment close at hand. The House of Commons felt that this juncture of danger and anxiety was a favourable one for markedly asserting a new privilege, or rather a new application of one ancient and fundamental, that of originating all supplies in their own house. They treated pecuniary penalties in the bill as supplies, and, in the words of Burnet, "were resolved to adhere to a notion, which had now taken such root among them that it could not be shaken, that the Lords could not put any such clause into a bill begun with them." The Commons, letting the Lords' bill lie on the table, brought in their own. In its passage through the House, it was divested of a clause sanctioning all the protestant freeholders of the six northern counties in taking arms. The bill was passed,

ing them to their own freedom and independence, which they showed such jealousy of. When they saw any thing done this kingdom ought to be affected with, it seemed more parliamentary to obviate it in a legislative way; and, therefore, my Lord Somers moved that they should go by way of bill, wherein they might show that if the Scotch pretended to set up a separate kingdom, they in probability would be the greatest losers by it."—*Vernon's Letters*, iii., p. 280.

and sent to the Lords on the 1st February. The factious hoped that the Upper House would, in retaliation for the fate of their own, reject or mutilate this measure; but it was passed immediately, and without discussion.

The first department of this somewhat formidable statute,* made provision for a treaty of union. Power was given to the crown to appoint commissioners, authorised to meet and transact with any body of commissioners that might have the authority of the Parliament of Scotland, and to lay the fruit of their joint labours before the sovereign and the legislature of each kingdom. The protective clauses prospectively enacted that after the 25th December 1705, until the succession to the crown of Scotland should be settled by the Parliament of that kingdom on the same line that was adopted by the Parliament of England, no native of Scotland, except those settled in the English dominions, or attached to the military or naval service, should acquire the privileges of a natural-born Englishman; that in the meantime, under heavy penalties, no horses, arms, or ammunition, should be conveyed from England or Ireland to Scotland; and that ultimately, under forfeiture and penalties, no coals, no cattle or sheep, or native linen, should be imported from Scotland. The last clause enacted that the commissioners were not to be empowered to treat for "any alteration of the liturgy, rites, ceremonies, discipline, or government of the church, as by law established."

The right of the English legislature thus to protect their country, by isolating it from another nation which had a separate legislature, and might, at any moment, come under a separate crown, was not to be disputed. There were many fears that the hostile tone of the act might offend the proud temper of the Scots; but if it was hostile it was not dictatorial, and involved less inter-

* 3 and 4 Anne, c. 7.

nal interference with Scottish affairs than if it had dictated a treaty of union as the alternative that was to prevent the severance of the countries.

While this measure was passing through the English Parliament, a tragic incident occurred, which told the statesmen of both nations, in the deepest tones, how necessary it was to accomplish a settlement of the national disputes, as the sole means of evading a conflict, of which the commencement was sure and near, but the end and results removed into impenetrable futurity.

The Darien Company, though their colony was ruined, still attempted to keep up their trade. They had a vessel called the Annandale, which they were to charter for the East India trade on her return from England, where she happened to be, apparently to obtain a few English seamen acquainted with the Indian voyage. When it was understood that there was, in an English harbour, a vessel in which seamen were rated for the Indian trade, she was seized at the instance of the East India Company, and condemned for breach of chartered privileges. The proper judicial routine was pursued. The English government were vexed by so untoward an incident, and were anxious that an extreme measure should be avoided. But to attempt, unless with an effective force, to influence a great trading company, when its monopoly was touched, was a vain imagination, and the law was followed out to the utmost rigour.

It happened that a vessel called the Worcester, connected with the East India trade, had soon afterwards to put into the Frith of Forth for repairs. The vessel seems to have belonged not to that East India Company which had seized the Scottish vessel, but to that rival English adventure called the Million Company, which rendered it so watchful and vindictive. But the Scots, seeing a coincidence apparently so providential, could not be expected to examine and see this distinction. As

the vessel lay on the north side of the Frith, visible from Edinburgh, a general popular feeling arose that she ought to be seized in reprisal. The government would not interfere; but the Darien Company, founding on a clause in their act of Parliament, which, intending to refer to the American and Asiatic seas, authorised them "to make reprisals, and to seek and take reparation of damage done by sea and land," granted a warrant for the seizure of the vessel.

The government officers declined to aid its enforcement; but the company's secretary, Mr Roderick MacKenzie, resolved to execute it, with such assistance as he could derive from adventurous friends. On a Saturday afternoon, mixing among the groups in the High Street, he enlisted in his project eleven "pretty fellows," with whom he determined to attempt the capture of the vessel. The little band were divided into two bodies, who were received on the deck of the Worcester as separate pleasure parties, unacquainted with each other. Hospitality was proffered on both sides and indulged in, the secretary moving through the vessel, and adjusting the apparently accidental distribution of his followers. At a concerted signal they each did his part; and the crew, double their number, were overpowered without a casualty. Some of them were sent ashore, others kept in custody, and the anxious secretary found himself the captor of the vessel.

The government officers appear to have still avoided acting on either side, until the affair assumed a new and darker aspect. It was rumoured that the crew of the Worcester spoke of their misfortune as a just retribution for their crimes; and by a perverse ingenuity, a story was created out of their tipsy incoherences and confused explanations, importing that they had committed a piracy on a vessel belonging to the Darien Company, and murdered the crew. The vessel called the Speedy Return, com-

manded by Captain Drummond, had been long absent, and was associated with ugly rumours, seeming exactly to coincide with the conscious confession of the crew of the Worcester.

It was at last deemed right that there should be a judicial inquiry; for these rumours, along with a considerable portion of the national prejudice that realised and invigorated them, had penetrated to official quarters. The Privy Council pursued a close investigation, and at last instructions were given to prosecute Green, the commander of the vessel, and some of his crew, for piracy and murder. The trial began in the High Court of Admiralty, on the 5th of March 1705. After a long and exciting trial, there was a verdict of guilty, and condemnation to death. It must have been evident to English lawyers then, as it is to impartial readers now, that it was not the proof of the crime, but the passions and innate belief of the jury, if not of the court, that carried this verdict, followed by condemnation to death. If it had not been for the prepossession that Drummond and his crew had met a foul fate, the evidence against Green would have failed to prove that he had committed a piracy at all.

The populace, however, were determined that he should suffer, and the official men had too little firmness, or too much sympathy with the general cry for vengeance, effectually to resist the rush. The English government, and the few Scotsmen able to see that the convicts were the victims of national fury, were extremely uneasy. Many earnest messages were sent from the court to the Scottish Privy Council, accompanied by affidavits and other papers, tending to show that the men said to be murdered were still alive. The records of the Privy Council still bear evidence of a sad deficiency in courageous justice. The queen, who could only employ the prerogative in such matters through the Council, had desired

them at all events to postpone the execution until farther inquiry should be made. The Council were divided and shaken,—so shaken between the queen's desire and the Edinburgh mob roaring round them, that they would not act, and the law was left to take its course. On the 11th of April, Green and two of his crew were led to execution amidst a fierce mob, who would have done the hangman's office themselves, as their children did by Porteous, had the duty not been performed by the usual hands. The poor men were sacrificed, not to penal laws, but to national hostility—they were victims of war rather than of justice; and there was afterwards abundant reason for believing that Captain Drummond, whom they were charged with murdering, was alive in a distant land, while their bones were swinging in chains on the sands of Leith.*

On all the Scottish organs of discussion and denunciation, there seems to have come an ominous silence after the tragedy was over. While pamphlets and parliamentary speeches allude to the matter no longer, the quiet records of the Privy Council show that the rest of the crew were unconditionally liberated in autumn. This was almost a confession of the judicial slaughter of Green, for if he was guilty they were scarcely less so. This tragedy, wherever it was understood in England, naturally created high indignation. But it is a remarkable instance of the slight communication and sympathy between the countries, and also of the unconsciousness of England to the formidable condition of Scotland, that the fate of Captain Green and his crew had little more interest to the wide English public, than if it had been an affair with Algerian pirates.

* A statement of the grounds on which there seems reason to believe that Drummond was alive, along with other incidents of the trial of Captain Green, have been printed by the author, in "Narratives of Criminal Trials in Scotland."

At the time when Scotland gave these symptoms of deadly hostility, one of those who make it their favourite pursuit to unearth from ancient records matter of political offence, revived the old question of the feudal superiority of the crown of England, and the vassalage of Scotland. Few efforts could then more certainly produce a hated notoriety. The attempt was received in Scotland with a yell of indignation. The person so successful in thus raising the formidable national excitement was a certain William Atwood, a barrister, who, as Bishop Nicholson says, "had conversed much with the records in the Tower in London, or at least with Mr Petyt, the keeper of them." He had, in previous controversies, been a strenuous supporter of popular and parliamentary rights against the prerogative of the crown. It is not unfrequently seen, that the enemy of arbitrary authority in domestic administration, is among the most ready to maintain the national supremacy of his own country over others. Atwood had already raised the susceptibilities of the people of Ireland by an elaborately contemptuous exposition of their entire subjection to England. He had been so eminently successful in thus driving one country to the borders of frenzy, that he was tempted to repeat the experiment under circumstances so suggestive of success as Scotland's condition at this juncture; and he published a book called "The Superiority and Direct Dominion of the Imperial Crown and Kingdom of England over the Crown and Kingdom of Scotland."

Had Atwood founded his conclusions on indubitable historical evidence, there was scarcely a Scotsman of the day who would not have deemed himself sunk in the deepest degradation had he believed a word he said. It was perhaps fortunate, however, that the enemy turned out to be a shallow, prejudiced advocate, whose speedy confutation diffused through the nation the good humour generally attendant on an easy victory. It happened that James

Anderson was then arranging materials for the publication of that collection of ancient Scottish munimental facsimiles, which, in its solid magnificence, has scarcely been matched in any other land. Atwood appealed to Anderson as a voucher for the authenticity of the documents on which he founded his views, and thus, by an indiscretion in which some saw an overruled fatality, he challenged to the controversy him who, of all men, had the strongest motives and the greatest capacity to expose the rottenness of his structure. Anderson undertook the work immediately and heartily. He published an octavo volume, called "An Historical Essay, showing that the Crown and Kingdom of Scotland is Imperial and Independent." Atwood published a rejoinder, but it was unnecessary to attack it. Anderson had gained a complete victory. The whole question has in later times been so amply investigated on surer grounds, and with soberer judgments, that little use could be derived from a perusal of this controversy. But Anderson established, to the satisfaction of all time, one fact of a kind calculated at once to destroy his enemy. He proved that the charters which Atwood founded on are forgeries, as every antiquary, English as well as Scottish, now admits them to be. This literary conflict was deemed of so much moment that the Scottish Parliament took notice of it in the most emphatic form. On the 10th of August 1705, it was voted that the sum of L.4,800 Scots should be awarded to Anderson in acknowledgment of his services; "as also that the thanks of the Parliament be given him by the Lord Chancellor, in presence of her Majesty's High Commissioner and the Estates." On the same occasion, Atwood's books were appointed to be burned by the hands of the hangman in the market place of Edinburgh.

The Parliament whose task it was to consider the overture for a union, at last made by England with so

bad a grace, assembled on the 28th of June 1705. Annandale's ministry was deemed incompetent to deal with so great a question, and it was thought necessary to restore Queensberry, though his last misadventure was still fresh in recollection. This change was doubtless made by the sagacious Godolphin, whose hand, occasionally helped by that of his great family ally, Marlborough, is distinctly visible in the main state movements which led to the Union. Queensberry did not at once return to his high office, but took the secondary place of the Privy Seal. The function of representing the crown was conferred on the young Duke of Argyle, whose high spirit and talent bade fair to rival the reputation bequeathed to him. Another young nobleman, Lord Leven, son of the Earl of Melville, found himself made joint Secretary of State along with Annandale; and generally the Queensberry ministry were restored with but two minor exceptions, of whom Lockhart, the annalist, significantly records that he was one.*

The action of the several parties of whom this Parliament consisted, was afterwards developed, sometimes in unexpected directions, as the events connected with the treaty assumed their different shapes. From the commencement of the Parliament it was clear that the ministerial party were anxious to frame and carry the project of a treaty, and to found a reputation as statesmen on the success of their management. It is easy to see that their main object was merely to settle the succession, and close the quarrel which had made Scotland and England again antagonists. But they knew that the trading privileges, so resolutely demanded by the country, must form part of the new measure, whatever it might be. The calmer and more ostensible functions of preserving decorum, soothing irritation, and generally conducting

* Lockhart Papers, i. 113.

the proceedings with dignity and discretion, fell to the lot of Queensberry. But it is generally believed that the original labour of devising projects, putting them in shape, and satisfying his fellow-labourers of their applicability, was thrown on the stronger capacity of Dalrymple.

The majority of the Estates were prepared to stand by the old demands for free trade and a communication of navigation and colonial privileges, however they might range themselves in the minuter division of parties. The independent or national party, headed by Fletcher, were the personification of these demands; yet it will have to be recorded that some of their leading men became opponents of the incorporating union, as too great a national sacrifice even for the obtainment of such ends. There was one compact party—the Jacobites or cavaliers—who were resolved to oppose the union in every shape, and whose constant effort and high function it was to put the various parts of the project into such shapes, as might bring down on it the prejudices of men who were actuated by principles, religious and political, the reverse of their own. The Jacobites levelled against a separate, small, compact party, on whom they failed to produce the desired influence, the nickname, drawn from military nomenclature, of the "Squadrone Volante." The name was given to them because they acted together in a compact phalanx, and thus sometimes commanded and turned the fortuue of the day, to the great indignation of the Jacobites, who, having no other object but to baffle every attempt to settle the crown on Revolution principles, thought that men who, like this party, had something to complain of, in their leaders being superseded in the ministry, were bound to act in ceaseless enmity to the government, and must be held as traitors if they gave it any aid.*

* A good idea of the confidential intercommunications of the flying party may be formed from parts of the "Jerviswood Correspondence." Their esoteric

The nominal leaders of this body, called by their enemies the "Squadrone," but by themselves the "new party," were the ex-commissioner, Lord Tweeddale, with the Earls of Rothes, Roxburgh, Haddington, and March-

views bear inspection much better than those of the political parties of that day in general. A good deal of anger and mortification is naturally expressed when they suspect that they are to be superseded. On 1st March 1705, Baillie of Jerviswood says to Secretary Johnston: "If we shall be ill-treated, after having yielded so much, which none would have done but one of Tweeddale's good intentions, no good must be designed; for though we be not so strong as to carry anything in Parliament, yet we are not so despicable but that we can spoil business."—p. 51. On 26th April he says: "We that are here desire nothing so much than that we should be now laid aside. Not that we desire to oppose the succession, for that cannot be without exposing ourselves, considering last year's measure, but that we may be at liberty in other matters. Besides, if we should continue, our party will leave us and join with Argyle, as Haddington has done already, and the Chancellor just agoing, for the Commissioner is now dining with him, and not one of us there: whereas, if we be out, the maltreatment will probably keep people to us, or at least make us go off with reputation, as now prosecuting the same things when out as in. But how to bring this about, without appearing to have hand in it, and come separately to be looked on as fools, is the present difficulty." In August we find them, conscious of their strength and its responsibility, assuring each other that by keeping compactness, they have the destiny of the country in their hands. "As matters are," says Baillie, "the new party being turned out, was the happiest thing that could have befallen them, for had they been obliged to have acted in their posts, as their successors have done, they had wholly lost their interest, which is now entire, and may be of use hereafter; and I cannot but judge it their wisdom to lie off till the court will allow Scotland to manage their own affairs."—p. 126. On the 28th September, Lord Roxburgh touches on the dangers of "the new party," taking a factious course. Being in cypher, his expressions are confused; but he intimates his belief that a union may be carried. "The motives will be Trade with most—Hanover with some—ease and security with others—together with a general aversion at civil discords, intolerable poverty, and the constant oppression of a bad ministry, from generation to generation, without the least regard to the good of the country. In short, I have no doubt of its doing, let Hamilton and Atholl do their best; nay, even suppose the new party should join with them, which, to tell you freely, I should think the same with declaring for the Prince of Wales. For, if union does not, it will be needless ever after to think of succession. And if it's done and ratified, they that are against it will always be reckoned for the Prince of Wales. And whatever the inconveniences on't may be, such as the quitting a name and a poor independent sovereignty to Scotland, for a small share [in] a great one, and degradation to the Scotch nobility—for election is that; yet the risk, or rather certainty, of the Prince of Wales, in case of union's failing,

mont, Baillie of Jerviswood, and Johnston, the ex-secretary of state. But many of their most effective men were those members of the national party who were not, like their leaders Fletcher and Belhaven, scared by finding that the treaty was to be incorporating instead of federal. Both sections of the body—the ex-ministerial and the patriot, for the material aid given by them in carrying the Union, have encountered the bitter ridicule and contumely of the Jacobite writers, who attribute to them the most despicable and depraved motives. But though these imputations have, unfortunately, been promulgated by loud voices, and have never been emphatically answered, it seems not irrational to believe that, without allowance for the enthusiasts raised in Fletcher's school, even among the ordinary practical politicians of the day, there were men not prepared, on so momentous an occasion, to sacrifice the probable peace and prosperity of the island, to their personal jealousies and grievances.*

In the queen's message, the settlement of the succession was again earnestly and affectionately pressed upon the notice of the Estates, and they were urgently advised to follow the example set by England, and provide for the appointment of a commission to treat for a legislative union. There was abundance of hot discus-

and the forenamed advantages in case of its succeeding, have their weight." —p. 138. Having come to the determination of fully supporting the Union, the leaders were, of course, naturally desirous that their merits should be known, and they were afraid that Cockburn of Ormiston, the Lord Justice-Clerk—a very dexterous intriguer—would employ them to suit his purposes, and have the merit of commanding them. So on 19th September 1706, Roxburgh says: "Rather than set up Ormiston, by letting him have the credit of bringing in the new party, I would rather choose to give him the slip, with his three friends, Montrose, Haddington, and Glasgow, by sending an express to Wharton. It's true that this looks like a risk; but I see no risk in it but what is likewise in the other way, except that it is to embark so far as not to leave room to retire, which, I suppose, we'll have no scruple in, since it's now or never."—p. 160.

* Unfortunately, the first and the fullest account of these transactions comes from the rabid Jacobite pen of Lockhart, whose liveliness and unhesitating

sion on the royal message; and when a draught of an answer was laid before the House, an amendment was carried that, instead of taking it up, they should proceed to the consideration of matters relating to trade. This opened some projects for the restoration of the country's wealth, without either an alliance or a quarrel with England. There were still some ingenious schemers, who could prove by figures and diagrams the efficacy of their plans for the creation of unbounded wealth. After the recent calamities of the Darien Company, however, there was little inducement to revive commercial or colonising expectations. It was on her position with England that the nation's fate rested; and until that momentous question were decided, there was no room for any other being seriously entered on. A passing incident may serve to show the apathy of the country towards the brightest speculative dreams. John Law of Lauriston, who, fifteen years afterwards, ruined France, did his own country the honour of first putting at their command his monetary schemes. Passing almost unnoticed among the serious expectations and alarms of the time, they received from the legislature only the brief negative contained in this minute—"Proposal for supplying the nation with money by a paper

distinctness in drawing characters, and attributing motives, have given attention and influence to a narrative evidently saturated with prejudice and falsehood. Lockhart was the son of that President who was shot by Chiesly of Dalry. He brought much of the talent and courage of his family to a restless and unscrupulous nature. To those who do not happen to be much versed in the Scottish historical literature of that day, it may be well to mention the curious incidents connected with his "Memoirs concerning the Affairs of Scotland." The book was intended, like Walpole's memoirs, to remain hidden until a time when those whose character it blasted, were no longer capable of feeling or contradicting his statements. He lent the volume to a friend, who was so unfaithful to his promises of secrecy as to get a copy made for his own use. The copyist, awake to the value of such a narrative, made an additional transcript, and printed the work Thus, the Scottish statesmen of the day obtained a premonitory side-glance of their posthumous reputation.

credit read; and after reasoning and debate thereon, it was agreed that the forcing any paper credit by an act of Parliament was unfit for this nation."* A proposal for a land bank, by a celebrated but unlucky schemer of the day, Hugh Chamberlain, met with little more attention. The question of trade, however, produced a measure, to which, at the moment, the national party attributed great importance. It might, perhaps, have materially influenced Scottish history had not immediately subsequent events reduced its importance to that of a mere casual event. This was the appointment of a Council of Trade. The nomination of its members was not left to the crown, but they were specifically named in the act; and their judicial and executive powers were so supreme, that, in this great department of national affairs, they must have superseded the crown, the Privy Council, the courts of law, and even the Parliament by which they were created.

Among the other proceedings in this Parliament, before the great question of the treaty of union came on for battle, there were several which served only as temporary indications of feeling, and were prevented by subsequent events from coming into legislative existence. They were resuscitative of the limitation projects of the previous session; and, like them, were directed against the crown. It was their avowed object that the monarchic institutions of the country must be sacrificed, should there be no other means of freeing the government from English influence. Thus a measure was carried, which, on the queen's death, was to make the officers of state, and the judges of the supreme courts, elective by parliament, if the two nations should come under the same monarch.†

* Act. Parl., xi. p. 218.

† A modified proposal, that the Estates should only have a veto on the crown selection, was lost. "After debate upon nominating the said officers,

Constitutional experience has taught, that the vesting of patronage in the crown, acting through advisers, gives the means of a deliberate choice, on personal investigation and responsibility; while a popular body, powerful enough to take the patronage into its own hands, will exercise that power to more purpose by keeping watch on its righteous and dutiful exercise. But the Scots reflected that there was a power nearer to the royal person than their own, and much stronger, which made their control over the advisers of the crown, in Scottish affairs, a nullity; and the limitation measures, with their republican tendencies and many practical inconveniences, were adopted as a choice of evils.

By another act, the motives for which are obvious, it was provided that a Scottish ambassador should be present at every treaty made by the monarch of the two kingdoms with a foreign power. A third act appointed triennial parliaments, and was to come into effect at the expiry of three years. None of these acts received the touch of the sceptre, nor was the royal assent to them urged after the question of the treaty was seriously opened.

These innovations were accompanied by wider proposals of the same character, which did not receive the sanction of Parliament. Fletcher brought forward a great measure of Limitations and Securities, introduced by one of his bold and vivid speeches. By this scheme the Parliament was to become a provisional government on the queen's demise, with established limitations for the protection of the country's nationality, in case it should prove impossible to prevent the monarch of Eng-

it was put to the vote—If the nomination of the officers of state, etc., shall be by the King in Parliament, with the advice, consent, and approbation of the Estates, or if the nomination shall be by the Estates of Parliament; and carried that the nomination shall be by the Estates of Parliament."—*Minutes*, 16th August.

land from being also monarch of Scotland. These provisions involved annual parliaments; the disqualification of placemen to vote; the passing of acts by the assent of the elected president of the Parliament, as equivalent to the touching of the sceptre; the vesting of the patronage of office, and the distribution of emolument, in the Parliament, whose assent was not only virtually but directly necessary to the support of an armed force, and to declarations of war and treaties of peace. A committee of thirty-one members was to sit in the intervals of sessions, to exercise the executive powers of Parliament, and be a cabinet council elected by that body. The scheme involved—along with whatever is offensive to levellers in the pomp, dignity, and inequality of a monarchy—all that is practically cumbrous and unworkable in a headless republic. To its other features must be added that of vote by ballot. This expression did not indicate the plan of secret voting for representatives now known by that name, but an arrangement for concealing the votes of members of Parliament from the court. It was not new to the practice of the Scottish Parliament, where it had been occasionally employed as an eccentric variety in the base Parliament of Charles II.* In later times it has been proposed as a means of protecting the voter from influence, whether coming from the court or the aristocracy on the one side, or the mob

* In 1662, when the question arose as to excepting twelve persons from the Act of Indemnity, it was proposed to ostracise them by ballot in Parliament. Sir George MacKenzie describes the method:—"First, every member of Parliament was to write, with a borrowed hand, the names of twelve persons, and these were to be given in to the register, who was to hold a bag at the foot of the throne, wherein these billets were to be thrown; after which the bag was to be sealed, and to be carried up to the Exchequer Chamber, where they were to be compared; and after the number was agreed upon, the billets were to be burnt, and the names of such as were billeted to be concealed upon oath. Which form was thereafter punctually observed: only the register, having a rooted quarrel against Southesk, did mark his billet with a nip when he received it, and thereby discovered his vote."—*Memoirs of the Affairs of Scotland*, 75.

on the other. This has rested on the supposition, that every one who ought to have an influence on electors has a vote, and that the voter is responsible for its use only to his own conscience. But the senatorial ballot, as copied in Scotland from Venetian practice, and frequently recommended in England, was directed to an end at which the constitutionalist of the present day shudders—the irresponsibility of the representative.* In that age, even among men of high republican professions like Fletcher of Saltoun and Andrew Marvell, responsibility to constituencies was not only a reality unknown, but an idea unimagined.

Fletcher's project, along with the other incidental matters then brought before the Estates, in reality only offered a temporary diversion during the anxious lull, before the great question, on which hung their country's fate and their own, should come on. When it was seriously begun to, all others were left in their several stages of advancement as forgotten things.

It is on the 25th of August that we first find the draft of an act for a Treaty of Union brought specifically under the notice of the House. On the 28th, Fletcher, ever at his post, proposed that a loyal and dutiful address should be sent to her Majesty,—"That the act lately

* A pamphlet, which was popular in Charles II.'s reign, has a title which might make it pretty applicable to the present day—"The Benefit of the Ballot, with the Nature and Use thereof." It has been sometimes attributed to Marvell. It might be read through—and sometimes has been so—as if it were a recommendation of secrecy in electing representatives, whereas it advocates irresponsibility by representatives. The danger from court influence on members of Parliament was then so extremely like what the danger from local aristocratic influence was in later times on electors, that an argument on the one might naturally appear as directed to the other. Take this instance—"Every one giveth his election and vote freely, and that without the fear of great ones or favour to friends, but according to the value and worth of the persons do they give their suffrages, and for those who are of the most noble spirits,—not for persons designing their own private interest, to the impoverishing of the public." This refers, of course, not to the election of members of the legislative body, but to the choice by them of public officers.

passed in the Parliament of England, containing a proposal for a treaty of union of the two kingdoms, is made in such injurious terms to the honour and interest of this nation, that we, who represent this kingdom in Parliament, can no ways comply with it." The House, however, proceeded with the bill, and resumed consideration of its clauses on 30th August, when some of the details were considered and passed. On the 1st September it was resumed. It was passed as a general resolution, that commissioners for treating of a union should not meet those authorised on the part of England, until the act of the English Parliament, so offensive to Scotland, were repealed.* It was warmly debated whether this condition should be inserted in the act, or should be the substance of a separate address to the queen. After angry debates and protestations, the latter alternative was carried by a vote, which, to the modern reader, may seem the welcome commencement of a rational policy, worthy of forbearing statesmen awakened to a sense of public duty, while, to the fanatic opponents of the Union, it was the first startling indication of treachery and subserviency.† They were destined to see their suspicions alarmingly confirmed ere that day's sitting was over.

In fact, on that day, with hard and rapid work, the act for appointing the commissioners was carried, and the first great step towards the union taken. When the plan for separating the address from the act was passed, the hour was late, and we are told that many of the members of the opposition, deeming the business of the day finished, had left the House. But a question of the

* This appears to have been a suggestion of Secretary Johnston.—See *Jerviswood Correspondence*, p. 118.

† Lockhart says there was a majority of only two. "And here," he says, "I must observe and lament the woful fate of this nation; for though it was well known that the House was to be that day upon this grand affair, and the Court had mustered together every individual of their party; yet seven or eight of the cavaliers and country parties were absent, and thereby lost this

utmost importance was then brought on. Were the commissioners for the union to be appointed by Parliament, or left to the nomination of the Crown? The peculiar position of Scotland, governed from England, was believed to make this question signally momentous. In England, where the responsibility was entirely to a national Parliament, there might be no reason for abandoning the advantage of a deliberate appointment by the queen's responsible advisers, and incurring the inconvenience of election by a large public body. But in Scotland, it was believed that the sovereign, instead of acting through persons responsible to Parliament, was in the hands of the country's enemies, the Parliament of England.

It is probable that the ministry would have despaired of carrying a nomination by the crown, had they not received an assurance of support from the "squadrone," who, indeed, appear to have suggested that an effort should be made to carry it.*

To resist this project was among the most cherished schemes of the Jacobites, as one in which they were likely to have with them the republican sympathies of Fletcher and his immediate followers. The Duke of Hamilton, as leader of the Jacobites, was expected to be foremost in resistance. It may be imagined, then, how the small remnant of his supporters who remained in the House far in the night of that tiresome day, were astonished when the duke stood up and moved that the nomination of the commissioners should be with the queen. The appalled remnant maintained their battle with fierce and frantic

clause, which, had it passed, would have proved a mortal stroke to the court, —they being resolved to have laid aside the Treaty of Union, and prorogued the Parliament; by which means the nation had been free of that fatal thraldom to which 'tis since subjected. Nor must I omit that the Earl of Aberdeen turned tail to the cavaliers in this important affair."—*Lockhart Papers*, i. 130.

* Jerviswood Correspondence, p. 119.

eloquence, but without avail. The minutes sententiously bear—"Thereafter the vote was stated,—Leave the nomination of the commissioners to the Queen, or to be done by the Estates of Parliament; and carried to be left to the Queen." The final vote was then proposed, and the "Act for a treaty with England" was carried.*

The act followed in its general terms the example set in England, appointing the conditions of treaty, when they should be adopted, to be committed to three writings, one for each Parliament, and the third for her Majesty. It contained an important condition, specially carried before the general question was brought on, "That the commissioners shall not treat of or concerning any alteration of the worship, discipline, or government of the church of this kingdom, as now by law established."

Three days afterwards, on the 4th September, the Parliament re-assembled, and passed an address to the queen, on the bringing up the act for her assent. Referring to the great measure as passed "in the most fair and equal terms that could be expected," the address opened on the hardship and offence to Scotland of that threatening act which was to make the Scots aliens, and cut off from them in England the privileges which had been for a century reciprocal between the two nations; and set forth that the Scottish Parliament found it absolutely necessary for maintaining the honour of their nation, to agree and order unanimously, "That the commissioners

* It is usual to depend entirely on Lockhart for the Scottish Parliamentary history of this period; but the literary history of his political history is a warning against dependence on it, unless where it is otherwise supported. It would not be safe to depend on it even for so palpable a fact as the Duke of Hamilton's motion, were it not that in the arid Diary of Hume of Crossrig, we have, "Then the question moved how the commissioners should be named. D. Ham. moved it might be by the queen. Saltoun opposed that most bitterly. Put to the vote, and carried by about 40 it should be by the queen" The minutes contain evidence of the lateness of the hour,—"Moved, it being now late, the farther proceedings in this act be delayed till the next sederunt; and the vote being stated, Proceed on this act or delay—carried,

shall not commence any treaty, until the injurious clauses are repealed." The precise efficacy of this resolution might have been a matter of doubt. Had its condition been incorporated in the act, as the minority desired, it is clear that the treaty would have been only conditionally authorised, and that if any legislative jealousy should suggest the unworthiness of repealing an English act on the dictation of a Scottish legislature, the project would yet be defeated. But the act was in itself a clear and conclusive authority; and some means might be found for neutralising the resolution, even if it had any authority beyond the session of Parliament, which was disputed. The clear and liberal mind of Lord Somers, however, found an immediate remedy for such difficulties; and at his suggestion, when the English Parliament met on 25th October, the offensive clauses were immediately and frankly repealed.

The delicate task now remained of selecting the commissioners. The appointment for Scotland was issued on the 27th of February, that for England on the 10th of April, 1706. The former was, according to national custom, in Latin; the other in English. Their terms did not differ to any noticeable extent, unless the homage to national peculiarities in describing Scotland, in the Scottish commission, as the ancient kingdom, may be deemed a slight touch of judicious statecraft. The numbers were thirty-one on either side. There were some material and emphatic differences in the nature of the

Proceed." Lockhart, who is always ready with a base motive for conduct he does not like, says, "I am afraid the true matter was, his grace had a great mind to be one of the treaters himself; and foreseeing he would not be named by the Parliament, he resolved to rely on the commissioner's and the Earl of Mar's promise of his being named by the queen, and therefore (whether by capitulation with these noble lords, or merely a thought of his own, the better to recommend him to the queen on this occasion, I shall not determine) took upon him to make the motion, that it might appear he had indeed made the complement, and been the promoter and advancer of leaving the nomination to the queen."—*Papers*, i., p. 136.

two lists. In the English, every member who was not a peer, was an official person, as if the matter were left by the nation in the hands of the government. The Scottish list was of a more representative character. It contained not only the names of private gentlemen, such as Smollet of Bonhill, and Campbell of Ardentinnie, selected from the smaller barons or county members, but it professed to represent the burgal interest in Sir Patrick Johnstone, the provost of Edinburgh, and Hugh Montgomery, ex-provost of Glasgow. There was no attempt to represent the Scottish church; while, according to ancient etiquette, the two archbishops were appointed on the English side. But however this might be disliked in Scotland, it was not consistent with the avowed claims of the Scottish establishment, to acknowledge by representation, in such a secular body, its power to affect her position, and she was better served by the condition in the act, specially excluding the "discipline and government" of the church from the deliberations of the commission. The leaders of the church were well aware, that before any measure, founded on the treaty, could pass the Scottish Parliament, they would have a far more palpable opportunity of standing by their establishment than representatives could command in a secret conclave. One man,' the Duke of Hamilton, was designedly omitted from the Scottish list.* It was seen, with some surprise, that the name of another territorial potentate, to whom there were

* In a letter in cypher, from Lord Roxburgh in London, to Baillie of Jerviswood in Scotland, there are these significant indications of the character and projects of the Duke of Hamilton—"The difficulties on both sides are considerable; for if Duke Hamilton come into it and be nominate, it is hard to say what the event may be here; and, indeed, I do believe that an union were the best thing for Scotland, and though England should yield all that's reasonable, yet Duke Hamilton would find out something to propose as would never be granted here, and so popular in Scotland as might break it for [ever]. Such a thing would defeat the business—make him more popular; and it's hard to say at whose instigation this might happen, and be hard to find out.

no similar objections, the Duke of Argyle, was not there; and it is said that, having engaged to get the Duke of Hamilton appointed, he took umbrage at not succeeding, and withdrew his own name. One name on the Scottish list seems to have astonished its owner—George Lockhart of Carnwath. He appears to have been chosen on the somewhat courageous policy of not leaving the opponents of the union wholly unrepresented.* But the government probably did not know that he took his instructions, in all political matters, from the court of the Pretender, as his lawful sovereign, and that he was connected with the plot then in progress for Jacobite co-operation with a French invading army. Lockhart himself spoke of the appointment as a bait thrown out by the court to catch his virtue. He complains that his friends formed unjust suspicions of him for his pliancy, and cast against him that never, during the whole progress of that vile treaty, did he once lift up his voice, by protest or remonstrance, against a measure leading directly to the ruin of his country and his party. His vindication is a curious instance of party morality in the age of stratagems and plots. He maintains that he went to the meetings, not as a commissioner, but as a spy. He avoided all manifestations of opposition that he might lull suspicion, might appear to have been bought, and could thus prepare himself, by knowing the designs and views of the enemy, for thwarting them and tripping up their project at the right time. He

On the other hand, in open opposition you know his worth."—*Jerviswood Correspondence*, p. 44.

* Lord Marchmont writes to the Duke of Argyle—"I am very positive that to mix some of those of greatest interest, who are not reckoned favourable to an entire union, will be better than to leave them out; for besides that it will take off the pretence of having been neglected and slighted in an affair of so great importance, there will be a fairer opportunity of persuading and convincing in a treaty wherein themselves may have a hand, than in a parliament, when a matter comes prepared before it."—*Marchmont Papers*, iii. 293.

seems to have considered himself as justifiable, in this design, as the officer who assumes a peasant's disguise, and enters the enemy's camp at the risk of being hanged.*

Thus the great business was fairly committed to responsible hands. It will be the object of the ensuing chapter to describe the negotiations.

* He says he consulted his friends, and "they all unanimously returned this answer—That, if he should protest, he could not well continue to meet with the other commissioners; and if he entered his dissent, it would render him odious to them, and that they would be extremely upon the reserve with him, so as he would be utterly incapable to learn any thing that might be useful afterwards in the opposing the design; whereas, if he sat quiet and concealed his opinion as much as possible, they, expecting to persuade him to leave his own friends and party, would not be so shy, and he might make discoveries of their designs, and thereby do a singular service to his country. Therefore they agreed in advising him neither to protest nor dissent, nor do any thing that might discover his opinion and design, unless he could find two or three more to concur and go along with him (which was not to be expected), but to sit silent, making his remarks of every thing that passed, and remain with them as long as possibly he could; and then, at last, before signing of the result of the treaty, to find out some pretence or other of absenting himself."—*Papers*, i. 142-3. His Jacobite friends, whose want of faith he bitterly laments, attributed his compliance to no better motive than a desire to ingratiate himself with the government, and receive an extension of its favour—and perhaps they were right. It is observable that his name does not appear in any of the minutes of the meetings where proffers were formally made from the one side, and dealt with by the other.

As his general experience of the conduct of his fellow-commissioners, he says,—"From the commencement unto the conclusion of this treaty, 'twas as plain as two and three make five, that the Scots commissioners were resolved to agree to and accept of a scheme of union, though upon never so unequal and unreasonable terms; for at the separate meetings of the Scots commissioners, if a difficulty was at any time started, or an objection made to what they were concluding, all the answer you received was to this purpose,—'Tis true it had better be so and so, but we must not be too stiff; the English wont agree otherwise, and I'me sure you would not break the treaty for this," and thus they proceeded all along without having any regard to the true interest of their country; endeavouring only, as much as possible, to paliate their own knavery, and hood-wink the nation from discerning the same; for which end sometimes they pretended to differ from the English commissioners, and reports were industriously noised abroad that the treaty would break up without concluding on any scheme, particularly when the Scots did insist to obtain a greater abatement of taxes, and the English, by piecemeal, and as with reluctancy, consented to it."—*Lockhart Papers*, i. 155.

CHAPTER X.

Characteristics of the Union—General View of the Difficulties to be Encountered—Means of overcoming them at hand for the first time—England at last finds it necessary to give Free Trade—Historians of the Union—The Meeting of the Commissioners—The Method of Proceeding—Resolution of the English not to treat but for an Incorporating Union—Adjustment of Taxation—Uniform Rate on Imports and Exports—Union Imposts—Land Tax—Incidence of Taxation in England and Scotland—The Equivalent—Difficulties in the Adjustment of Parliamentary Representation—The Peerage—Coinage, Weights, and Measures—The Darien Project—Retention of the Hereditary Jurisdictions—Arrangements as to Laws and Institutions—Conclusion of the Treaty.

It is impossible to approach this great chapter in modern history, without casting forward a reflection on the enormous difficulties which its promoters had to look in the face. It was a project that had already repeatedly failed, and when the conflicting interests that must all meet to carry it through, were thought of, it seemed destined ever to remain uncompleted. Small communities, thrown together in natural clusters, had, in primitive states of society, been known to come together by a sort of natural cohesion, like the Amphictyonies of Greece, the Swiss Cantons, and it may be said, the Saxon communities of England. Among full-grown European states, unions and fusions had been brought about by conquest, absorption, and the various natural operations by which communities, destitute of civil liberty, or not imbued with strong feelings of nationality, become amalgamated. But two nations uniting together by a bond of partnership, representing a common consent, was a new event

in political history. If those continental nations which had been for centuries accustomed to see annexations, partitions, and the enlargement of empires, by marriage and succession, had been told how many different parties and interests it was necessary to bring to one set of conclusions, before the desired end could be accomplished, they would have deemed the project utterly insane, as, indeed, it would have been, if laid before two nations less endowed with practical sense and business habits. Had it been a consolidation of two arbitrary governments, the more powerful would have dictated and the other obeyed. At all events, however nearly the two powers might have approached to an equality, all would have been privately arranged in official cabinets, and the people would have been made acquainted with the terms of union only by seeing them gradually developed in the new arrangements of the joint government.

In the union, however, of two constitutional states, each sensitively jealous in its own peculiar way, nothing beyond the initial steps could safely be kept secret. The whole complex operation of arrangement had to go on in the face of the world, and in contemplating all the unanimities and acquiescences that must be reached in the midst of an excited and sometimes stormy public, he would certainly have seemed the safest prophet who predicted a speedy shipwreck to the project. Let us just cast a glance at the varied suffrages which the whole system of union, and each item of it, required as the preliminaries of final adoption. Each commission consisted of several men of different ranks, opinions, tastes, and interests, whom nothing but a strong sense of duty could bring to the necessary unanimity on a string of complicated constitutional questions. This was a difficulty, however, which in party operations we are so well accustomed to see conquered, that it scarcely suggests itself to the British mind. When the two commissions

had to come together, and fuse their respective unanimities into a common conclusion, the difficulty became far more formidable and unusual. But when it was overcome, and the conditions were mutually and unanimously adopted, then each commission had to go to its tumultuous popular legislature, to carry the whole through, without any material injury or alteration; for if by any of the accidents to which popular assemblies are liable, an adverse vote had occurred, either in England or Scotland, on any important article, inextricable confusion, involving the whole project in imminent peril, must have arisen. Nor was it until each of the commissions carried the joint labours of the whole, untouched in their vital elements, through these two fiery ordeals, at a distance from each other, conflicting in feelings and in interests, and looking on each other as national enemies,—that the measure could be considered in the haven of safety.

An assemblage like the joint meeting of commissioners, had thus no known precedent in the annals of the world. Perhaps some ecclesiastical councils, where different religious bodies, with slightly varying shades of opinion, have endeavoured to fuse their differences into a common standard, might bear some analogy to the assemblage of this commission; but certainly, as a means of creating an entire and permanent combination of two nations in one, it had no precedent. The board were, in one view, a deliberative body; in another, two deliberative bodies, who could transact nothing without a majority on each side, in favour of every proposition adopted. They were not like two sets of ambassadors; for, in diplomatic operations, governments are not represented by collective bodies, but by individuals, who act singly in making and entertaining proposals. The result of these momentous deliberations go, with many other occurrences—some of vast European importance, others of mere local moment—to prove that, however effectively other nations can conduct business

on the military system of command and obedience, with one man at the head of all, the British people are unrivalled in the capacity of adjusting the views of collective bodies, presenting them in systematic order, and drawing from them clear, practical results. It cannot be doubted that, in this achievement, the Scottish commissioners must have owed much to the practical experience of the English, trained up in the system of legislative tactics which had been then brought to a state of excellence, in which, at this day, it has no rival, except in that American Congress which is descended from the English Parliament.

The failure of previous attempts had shown the real difficulties in the way, but, in making people familiar with them, had shown what must be actually accomplished before the work was rightly done. Indeed, long as this great measure had been delayed, its earlier completion would have been premature. Had even the soundest views entertained in the reign of James or William guided the accomplishment of the undertaking, it would have been but a bargain or alliance of two nations, with separate interests and feelings,—not a fusion into one body of two parts which naturally constituted a whole.

It was not until it was undertaken in this spirit, that the combination could be permanently made. If the people of each nation, instead of feeling that their benefit from the union was like that of their neighbours in being members of a great new state, sought it in getting the better of these neighbours in a bargain; if the treaty were such that the English gained something by it in which the Scots did not participate, and, on the other hand, if the smaller power thought that, in some things, it had overreached its more powerful neighbour;—then the seeds of disjunction must be certainly sown in the new state. Wherever the gain of one represented the loss of another, there was something to be greedily kept by the gainer, and fiercely demanded back by the loser. When bargains between

private citizens are deemed unequal, they would seldom be fulfilled were it not for the supreme power of the law. But how could compliance be enforced on an angry people, crying out that they were betrayed and cheated, unless by the stronger party enforcing its own views, and thus adding tyranny to fraud?

It behoved the treaty to be so directed that the Scotsman's advantage should not lie in the good bargain he obtained over the Englishman, but in both being equal members of the same great community; and similar in kind, though not so great in degree, was the corresponding interest on the other side. But it was not merely necessary that each nation should avoid gaining any advantage over the other: it was necessary that neither should retain any substantial element of superiority, even though the other had nothing to give in exchange for the advantage of participating in it. It was clear that Englishman and Scot would not be peaceful fellow-Britons while the one, like the Roman citizen, possessed privileges from which the other was excluded, however clearly he might show that they had been acquired by the merits and exertions of his ancestry or his nation.

The previous failures had cleared the way and opened a vista of success through such tangled difficulties. As the special privileges which each people claimed as their own, and the general advantages in which it was necessary that they should both participate, arranged themselves into separate groups, they were found not to be incompatible with each other. As to the first prominent difficulty, religion, there was but one way of dealing with it, and that had been indicated in the parliamentary constitution of the board. Each nation must keep its own church. If the Scot had met the Englishman, each, on the ground that his own church was the only true one denying the right of any other to exist, the project would have been defeated at the threshold. The treaty could

only proceed on the understanding that it was for temporal politics, and that in so far as religion was concerned, the nations were to be as entirely separate as ever. It is true that here, as in other matters, there was no absolute security that an English majority in a British Parliament might not enforce Episcopacy upon Scotland. But there was a protection against such a danger in its very magnitude; it would not have been a mere infringement of the compact, but a dissolution of the union, if not a declaration of war.

As to the laws and customs of the two nations, it was well for all purposes, that each should retain its own so long as it desired to keep them. There are legal and institutional prejudices; but they do not, like religious zeal, swell to intolerance. Our love for our own laws and local institutions, instead of prompting us to force our neighbours into their adoption, often makes us complacently measure their excellence by the inferiority of surrounding systems. The Englishman might despise the civilians and the feudalists, but he could not well demand that his Scottish neighbours should abandon them; nor, if he crossed the border, could he well complain that he was subject to the laws of the territory he had voluntarily entered. The course of the negotiators on this great branch of the treaty was therefore pretty clear. Minor arrangements might be necessary to prevent the law in one nation from intercepting its due execution in the other; but if there were any such conflicts of jurisdiction unforeseen by the negotiators, it would be the interest of the united Parliament to find a remedy for them.

But the main advantage on which the Scots had set their heart, an equality of trading privileges, seemed to offer the great difficulty. It was one, however, founded, not on reality, but on artificial opinions, and it insensibly disappeared as it was practically handled. Had Smith's "Wealth of Nations" been in the hands of the commis-

sioners, they would have been disabused of the notion that a nation's riches proceed from trade monopolies and exclusions. The notion, however, that whatever is gained in trade by our neighbour is our own loss, still reigned in the statesman mind. When, therefore, the English approached the question of communicating their trade privileges to the Scottish people, they contemplated a sacrifice; and the question to be considered was, the price to be obtained for it. The close practical contemplation of the sacrifice did not enhance its value; on the contrary, it is natural to presume that, unable to put together the items of loss which the English nation was to suffer by a trading competition with the Scots, its nature became more theoretical and visionary in their eyes. By this sacrifice of questionable extent and substantiality, they had the prospect of purchasing internal peace. But still farther, if they denied the Scots a participation in their own trading system, could they prohibit them from creating one for themselves, which might, in the course of happy accidents, draw into its channel the principal branches of English trade, and bring on an inversion of the pecuniary relation of the poor and rich country, only to be averted by forcible restraints on Scottish enterprise, and a civil war? Already had the Scots devised a project in which they bade fair to become the main instruments of commercial intercourse between the two hemispheres, and nothing but coercion could prevent them from continuing to form projects dangerous to English commercial supremacy. As statesmen had not yet learned to trust the commercial prosperity of a nation to its industry, enlightened energy, and realised capital, but relied on the influence of artificial adjustments, they were ever open to the apprehension that other nations might excel them in their tactics of monopoly and restraint, and pluck the elements of prosperity from their grasp.

It was within the accredited probabilities of their commercial creed, that by excelling them in well adjusted restrictions, a small poor country like Scotland might compete with them for commercial supremacy, and beat them. Under such apprehensions, it was fitting that a sacrifice should be made; and thus, though not by legitimate instruction from political economy, the door for a communion of commercial privileges was fortunately thrown wide open.

Entertaining these views of the greatness of the measure, and its valuable character as an historical precedent, the author proposes to give the steps onwards, with the difficulties encountered, in progressive detail. The subject in general has not received fair attention from the historians of the age,—charmed away from so calm a chapter of home well-being and peaceful progress by the brilliancy of the great military achievements, which, in the less happy lands of Central Europe, would break old established states to pieces, or combine in military union nations distant and unlike, by a single siege or battle. These great wars have their own sphere of eminence. They have been already abundantly recorded; and it is no disrespect to their position in history to maintain that a great victory of peace, no less important in its influence on mankind, should have its history told.*

* The Union has not been fortunate in the attention it has received in historical literature. The prevailing fashion of history-writing made it secondary to the wars in the works relating to England or Britain at large. Laing seems to have grown tired of his work, and desirous to wind it up and be quit of it, after passing the Revolution. At the same time, there are books entirely devoted to this one passage of history. "The History of the Union of Scotland and England, stating the circumstances which brought that event forward to a conclusion, and the advantages resulting to it from the Scots,—by the Rev. Ebenezer Marshall,—Cockpen, 1799," rests in an undisturbed obscurity, from which it deserves never to emerge. De Foe's book, called "The History of the Union between England and Scotland, with a collection of Original Papers relating thereto," errs on the reverse side

The commissioners assembled in the old council-chamber of the Cockpit, at Whitehall.* At their first meeting, on the 16th of April 1706, they exchanged addresses,—the Lord-Keeper of the Great Seal speaking for England, and the Scottish Chancellor for Scotland. These speeches were not properly intended to gain any point or take up any policy, but to place at the commencement of the proceedings deliberate interchanges of courteous good-will, as combatants interchange courteous defiance. The commissioners, having thus seen each other, adjourned for six days, and on the 22d the serious business commenced. The method of proceeding was, that each body, in its separate capacity, should offer articles or propositions for the adoption of the whole

from that of the writers who have given insufficient attention to the subject. The book is larger than Hallam's History of England, and not much less than Hume's. That the author of Robinson Crusoe and the History of the Plague should write a dull book would not be readily believed. But it may be fairly questioned if any one, seeking the usual enjoyments of miscellaneous reading, ever perused this dense quarto. To one who requires to examine it for information, it is extremely irksome,—so full is it of long prolix meandering speculations—of useless guesses about motives—of repetitions—and of unimportant matters of routine. It was edited by George Chalmers, the author of "Caledonia," who seems to have found in it something congenial with the ponderous and confused productions of his own pen. Under what internal influence De Foe could have written such a work is a mystery. Another history of the Union, in two octavo volumes, is less known, as it only received official circulation. It was called a "Report on the Events and Circumstances which produced the Union of the Kingdoms of England and Scotland; on the Effects of this Great National Event on the Reciprocal Interests of both Kingdoms; and on the Political and Commercial Influence of Great Britain in the Balance of Power in Europe." It was prepared in 1799, with reference to the Irish Union, and was an official report by Mr Bruce, of the State-Paper Office, to the Duke of Portland. It is valuable as a collection of documents, and has been used on this occasion. The most authentic record of the official and parliamentary operations is to be found, however, in the appendix to the eleventh volume of the large edition of the Scottish Acts of Parliament.

* There is an obstinate tradition that the treaty was transacted in Edinburgh, and two places are shown to strangers—a summer-house in the old garden of Moray House, and a cellar in the High Street—where the signing took place. To reconcile the double locality, it is generally said that the commissioners were driven by the mob from the one to the other.

board; that the other party should separately deliberate on every article so offered, and should report to the assembled board their adoption or rejection of it. Preliminary articles for carrying out this method, clear and brief, were proposed on the part of England. They were, that each proposal should be made in writing, and each point agreed on specifically recorded; but that nothing assented to should be held binding on either side, until the whole treaty was drawn up in a condition to be laid before Parliament. A small committee was appointed on each side to authenticate the proceedings—a function which the body at large might overlook in the fervour of important discussion. Finally, it was resolved that "all the proceedings of the commissioners of both kingdoms, during the treaty, be kept secret." The warmest advocate of legislative and official responsibility could not object to this, in the preparation of what was only a draft to be offered for legislative discussion. Without such a protection, it would have been impossible for the board to carry on their delicate operations. Whatever verbal discussion may have taken place during these meetings, is now for ever buried in oblivion. We possess only what was put into writing, but the minutes of the board were both full and instructive.*

After the preliminary arrangements, the English offered an article containing the fundamental principles of the treaty—one kingdom with a new name, one Parliament, and a destination of the new crown according to the Act of Succession. It was felt that on the adoption or rejection of this proposition, the fate of the whole project depended.†

* The best report is in "Proceedings of the Commissioners appointed to treat for an Union betwixt the Kingdoms of Scotland and England, 16 April—23 July 1706," Scots Acts, xi., Appendix.

† This fundamental proposition, diffused through the first three articles of the treaty, as afterwards adopted, is in these terms: "That the two kingdoms of England and Scotland be for ever united into one kingdom, by the

The board stood adjourned for two days. On the resumption, the Scots commissioners intimated their approval of the subsidiary arrangements for conducting business. To the fundamental proposal submitted to their consideration, however, they did not bring up an answer, but they submitted certain proposals of detail on their own part. Their substance was, that the descent of the crown of Scotland should be fixed in the terms of the English Act of Succession; that there should be a mutual participation of rights and privileges; and that there should be a mutual free trade, in which the colonies were to be included. These propositions pointed to a federal rather than an incorporating union. They would still leave two nations with separate interests and jealousies, and distinct legislative organisations to represent them, instead of one nation, of which the component parts would gradually fuse into each other. The accomplishment of this end, the English commissioners felt to be the main object for which they worked. If it were not to be carried, they need not go on; and with fortunate firmness they desired an answer to their first proposal, as a condition of proceeding with the treaty.*

Next day the Scottish commissioners gave their acceptance of the proposal, accompanied with a demand for

name of Great Britain. That the United Kingdom of Great Britain be represented by one and the same Parliament; and that the succession to the monarchy of the United Kingdom of Great Britain, in case of failure of heirs of her Majesty's body, be according to the limitations mentioned in an act of Parliament made in England in the 12th and 13th year of the late King William, intituled," etc.

* This position was assumed by them with due courtesy. Thus, "The Lords Commissioners of England are so fully convinced that nothing but an entire union of the two kingdoms will settle perfect and lasting friendship between them, that they therefore think fit to decline entering into any further consideration of the proposal now made by the Lords Commissioners for Scotland, as not tending to that end; and desire that the Lords Commissioners for Scotland would be pleased to give in their answer to the proposal delivered on Monday the 22d instant, by the Lords Commissioners for England, in order to an entire union of both kingdoms."

reciprocity of citizenship and trading privileges. This was doubtless intended to stand on the records of the transaction as evidence that the Scottish commissioners came to independent terms with the English, and were not beaten by them. The condition was frankly accepted as "a necessary consequence" of an entire union; and thus this fundamental difficulty being over, the commissioners could proceed to adjust the details, with the view of making the citizens of each nation, as far as practicable, equal citizens of the new nation into which the two were to be combined.

The next object of negotiation was the adjustment of taxation and national burdens, a complex and difficult task, but not so perilous as those which had been accomplished. It was comprehensively proposed on the side of the English, "that there be the same customs, excises, and all other taxes, and the same prohibitions, restrictions, and regulations of trade, throughout the united kingdom of Great Britain." They probably did not expect easily and simply to sweep away all difficulties in a comprehensive sentence, but they had set forth distinctly the object to which negotiation ought to tend. They considered a uniform system of taxation so vitally important, that they did not hesitate, with wise liberality, to intimate that England was ready to pay for it in immediate cash. Compensation was offered at the commencement of the discussion for any pecuniary sacrifices which the new financial system might impose on Scotland. And thus, according to the ordinary views of this transaction, a golden bait was hung in the trap set for Scottish statesmen, and they were caught. Perhaps the visions raised and the motives excited in those who saw that rich "Equivalent" ever before their eyes, might have an ugly appearance under the knife of the moral anatomist. But if it could be made out that there was a pecuniary hardship to Scotland in a joint finance

system, it was true political wisdom to pay it off at once, instead of permitting an element of disjunction and rivalry to remain alive. The project of a complete uniformity of taxation was not entirely accomplished, for a remnant of inequality exists to this day. But the extent to which the object was thus in one sweep accomplished, is eminently creditable to the statesmen who carried the union. The Scottish commissioners proposed to discuss the matter in detail; a reasonable proposal, cordially acceded to. In the course of the discussion, and after they had yielded the most important points of immediate practical interest, they threw out a distinct hint that some guarantee to Scotland should limit the extent of the future taxation to which their country might be liable. This proposal was, however, calmly, but decidedly, faced as inconsistent with a complete incorporation, the English Commissioners saying, "the Lords Commissioners for England are of opinion, that it cannot be supposed the Parliament of Great Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; and to allow of any supposition to the contrary, would be to form and set up an unanswerable argument against the union itself."

When they had mastered the details of the financial position of the two countries, a concession eminently satisfactory was made by Scotland, "That all parts of the united kingdom of Great Britain be under the same regulations, prohibitions, and restrictions, and liable to equal impositions and duties for export and import." This concession was indeed essential to that free trade for which Scotland had been struggling. It immediately set at rest all fears of adjustment, by making a uniformity in that one branch of taxation where uniformity is most

essential to united nationality. Two districts may have distinct house taxes, or window or stamp duties, yet be in all essentials one people, the operation of the tax being purely territorial. But two territories which have different imposts on trade, have distinct interests, in their mutual relations and their intercourse with the other nations of the world, and retain a potent element of disunion. A few exceptions made from the general principle of uniform duties for the whole island, were infinitely troublesome until they were repealed; and the impolicy of even trifling local exceptions to the general sweep of a tariff has been amply shown, to the torment of statesmen, in the history of the Isle of Man and the Channel Islands. The Scots, having the Equivalent in view, made a farther concession of an equality of excise on liquors. The chief element in the English duties was the tax of 2s. 6d. on beer and ale, and the whole amount of the excise duties brought a revenue of L.677,765, while that of Scotland was L.30,000, or less than a twentieth part of the amount. Had a system of excise, according to Walpole's notions, existed in England, an accommodation would have been more difficult; and we shall afterwards see how bitterly the seeds of strife were sown in Scotland by the enlargement of the excise system. But there were other features in the English revenue of the time, conducive to an equitable adjustment of interests. It was pleaded on the part of Scotland, that before the country would find itself able to participate in the heavy taxation of England, it would be necessary that she should enjoy for a few years the prosperous fruits of the union, with the substantial help of the Equivalent. It was proposed, therefore, to afford a temporary exemption from some taxes. It was fortunately found that many of the imposts which it was most expedient so to postpone, were only temporary in England, and thus the question of adjustment could be appropriately left to the united Parliament on their

expiry. The registry and malt duties were to expire immediately, the latter being annual; the window duties and a portion of the stamp duties were to expire on the 1st August 1710, while the heavy tax on coals expired on the 30th September in the same year—an exemption from these, while they lasted, was the easiest adjustment of difficulties. The salt duty was more troublesome, as it was permanent, and affected—what has always been treated, though not quite deservedly, as an important part of the national wealth of Scotland—preserved fish; but on this too a satisfactory arrangement was made. This small matter, however, was one of the most tedious, if not the most difficult, in adjustment. It was settled by an exemption to Scotland from an internal salt duty for seven years, fortified with elaborate protections to England from importation, whether in a simple or impregnated shape.

It was on the land-tax that the Scots commissioners made the best bargain; and it is not uncharitable to suppose, that in its adjustment they had an eye to their own interest as landowners. The land-tax of England was nominally 4s. a pound on the rent. There were many reasons why a nominal uniformity, by the extension of the same rate to Scotland, would prove a practical inequality. Rent did not mean precisely the same thing in the two countries. While the English farmer was often a capitalist, with land which he held on the terms of an easy investment, many Scottish estates were rackrented by needy people, competing for the privilege of tilling their small allotments, like the Irish cottars of later times. In districts of another character, rent scarcely existed—the landowner's estate consisting in the service of his followers. A third class of estates were those where the tenants' or vassals' acknowledgment was paid in kind, and could not be easily valued. It was shown that in England long practice had confirmed certain systems of "fining down" estates, or exacting the

tenant's return, not entirely in annual rent, but in fines. What the Scots had most powerfully to plead, however, was that in England the 4s. per pound had never been actually levied upon the specific rents. The sum demanded was spread over the kingdom. Each county supplied its quota, raised within itself, and sometimes falling as lightly as 2s. per pound. It was pleaded that the same arrangement should be extended to Scotland, by drawing from the country an annual sum, equitably adjusted to the amount drawn from England. That amount, under the 4s. system, was L.2,000,000. It was proposed and agreed to that Scotland should furnish L.12,000 for each 1s. per pound levied in England. Thus, when the rich country paid L.2,000,000, the poor was to contribute L.48,000. This amount of less than L.50 for each L.2,000 paid by England, was doubtless unjustly proportioned. It would seem to be extravagantly unequal at the present day, when the progress of the country in wealth enables it to pay in income-tax a tenth of the amount payable in England. But the Scottish landowners of that day, though feudally powerful, were extremely poor in a pecuniary sense; and something must be allowed to the weakness of poor human nature, when negotiators are treating on their own direct interests.

Elaborate statements of the different items of income and expenditure of the two kingdoms were laid before the board. From these documents the following comprehensive results are derived:* The total revenues of England amounted to L.5,691,803 : 3 : 4½. In Scotland the pernicious system of farming the duties was adopted; and a general calculation was made that, in-

* The documents may be found in De Foe's History, but in a more full and authentic form in the "Appendix to the Eleventh Volume of the Scots Acts." De Foe has put them together with extreme carelessness, and the author found, in checking the sums arithmetically, that there must be many blunders. In the more correct copy in the "Acts," it was necessary to make allowance for at least one inaccuracy, where items could not be

creasing the land-tax from L.36,000 to L.48,000, the revenue of the country would amount, in a round sum, to L.160,000. The debts of England, permanent and limited—then in a more complex condition than they are at present—gave a total amount of L.17,763,842, 17s. 3½d. In Scotland the real and the nominal debts were different things. It would have been difficult to rate the full amount of the latter. The English system of paying all immediate obligations, and where the revenue for the time was insufficient to meet them, charging some special tax with a loan for the purpose, had not been adopted. The obligations of the country not being measurable in specific loans, were roundly estimated at L.160,000, the amount of the annual revenue. When the funds assigned for the payment of debts in England, were compared with the corresponding sources of income in Scotland, the following curious results came out:—Against a sum of L.1,341,559 of customs duties in England, the amount from the same source of revenue in Scotland was set down as L.30,000. When this was divided, as if it had been a portion of the English fund, into available revenue, and the portion set aside to pay debt, it appeared that the amount devoteable to the current expenses of the empire, would be L.6,239, while that to English debts would amount to L.23,761. It was roughly inferred from this that for every L.1,000 a-year of additional customs duty levied in Scotland, a proportion amounting to L.792 would be raised for payment of the debts with which England was burdened, and would, in fact, be forestalled by that country's extravagance. So also, when the two excise tariffs and the burdens

adjusted to a summation. A rigid arithmetical analysis might perhaps show where the error lies; but at this time of day it seems unnecessary to correct it, as it does not touch the incidence of general results. Any one who amuses himself in a leisure hour with testing arithmetical calculations, generally received as true, will be astonished to find how often they are inaccurate.

on them were examined, the amount levied in England on liquors was set down as L.947,602, against L.33,500 in Scotland; and when, by the rule of three, the latter sum was apportioned on the payments borne on the excise of England, as if it had been raised there, it was found that a sum of L.20,936 would go in payment of debt. Thus, for every additional L.1,000 which the Scots raised in excise duties—anticipating that the prosperity of the country after the union would greatly increase the fund—it appeared that about L.625 would go in payment of the debts of England.

A little attention is necessary for understanding the exact nature of the "Equivalent" offered from England as a compensation for these inequalities, and the calculations on which it was founded. One part of it was indefinite in amount. It was to defray the proportion of the increase on Scottish taxation, which was to go in payment of the debts of England. The amount could not of course be calculated until the extent of the increase was known; but a foundation for the calculation was laid. It was shown how much of every thousand of increase on the several funds went to pay for the English debts so long as they respectively lasted. As to the extent, however, to which the revenue of Scotland, taken at its existing rate, would be burdened with the debts of England, it might be estimated and paid over at once. The method in which it was calculated arises naturally from the analysis of the two revenues already described. Each source of revenue in Scotland was compared with its corresponding source in England,—the excise with the excise, the customs with the customs. But as each class in England—take, for example, the customs—consisted of several funds, each fund being charged with separate debts, it was necessary to divide the whole of the Scottish customs fund according to the manner in which the English fund was thus divided. This was

absolutely necessary for taking the value of the English debts over any series of years, because they were numerous, and some were for short, others for long periods, while several were for annuities, and other contingencies, which required averages to be struck. Thus, when the annual amount of Scottish customs duties, applicable to the debt of England (L.23,761), was extended over the respective debts, the amount was found to be L.93,479. When the same rule was applied to the excise, the amount was L.304,606, 10s. In this manner was made up that Equivalent Fund of L.398,085, 10s., which, left unexplained, has often puzzled the reader by its fractional character.*

* An example taken from the division of the customs will best serve to show the process,—

Annual amount of English customs, -	L.1,341,559	0	0	Annual amount of Scots customs, -	L.30,000	0	0
Appropriation of the English customs,—				Proportional division of the Scots customs, according to the appropriation of the English,—			
Civil government, -	L.253,514	0	0	- -	L.5669	0	0
Unappropriated, -	25,480	0	0	- -	570	0	0
Appropriated for debts till 24th June 1710,	116,475	0	0	L.2,605 0 0			
Till 1st August 1710,	706,471	0	0	15,798 0 0			
Till 30th Sept. 1710,	160,000	0	0	3,578 0 0			
For 98 years, from 8th March 1706, -	79,619	0	0	1,800 0 0			
					23,761	0	0
	L.1,341,559	0	0		L.30,000	0	0

The four parts into which the sum total of the debts on the customs of England, spread over the respective periods, when compared with a similar division of the corresponding proportions of the Scottish customs, showed the following results:—

L.2,605 per annum, from 25th March 1707, until the 24th June 1710, estimated in present money, - - - -	L.7,577
L.15,798 per annum, from 25th March 1707, to 1st August 1710, estimated at - - - - - - - - -	47,506
L.3578 per annum, from 25th March 1707, to 30th September 1710, estimated at - - - - - - - -	11,251
L.1780 per annum, from 25th March 1707, for 98 years (annuities), at the rate of 15 years and 3 months' purchase,	27,145
	L.93,479

It would perhaps have scarcely sufficed to neutralise the clear arithmetical evidence of the new burden laid on Scotland, to maintain that the English debt had been incurred in the great European contest, on which the safety and dignity of Scotland, as well as of England, depended; it had already, when such a plea was adduced, been answered that Scotland was not permitted to participate in the trade which these wars opened or defended, or to hold a stake in the colonial possessions which these wars created. It might have even been a sounder, though a somewhat invidious, argument to say, that had Scotland been a solitary state, unallied by common kingship to a great nation, she would have required to support a costly system of defence, even to protect herself from England; and must so have incurred her own share of debts. A pecuniary equivalent seemed to be the only alternative; and England was so large-handed in all her pecuniary operations, whether of debt or revenue, that it would scarcely disturb her financial system to pay the moderate sum which the poor and hardy Scot deemed justly his own.

The discussions on the adjustment of taxation—dragged out by the tedious difficulty of the salt duties—lasted from 29th April to 7th June. The board had now been transacting its momentous business for nearly two months, and every one who earnestly thought of the probable future of either country, must have felt intense curiosity to know what their deliberations were developing. They were bound, however, to preserve a dead silence. There was only one person in the island who could constitutionally inquire into their uncompleted proceedings, and that one person, led by affectionate interest or earnest curiosity, did so. The minute of 31st May states, that the queen attended the meeting, and that, after an exhortation to those present to proceed with their work, and complete it as rapidly as it could be done effectively,

she heard "the proposals made on either side, and the resolutions hitherto taken thereupon, read by the respective secretaries"—a task which must have occupied some time.

As they found themselves getting rid of the financial entanglements, the commissioners went to the adjustment of the constitutional details. It was easily arranged that the Admiralty, in so far as it meant the administration of the naval armament, should be under one system; while the branch of the law of private rights, which used anomalously to be segregated from the jurisdiction of the ordinary tribunals, was left in Scotland to a special admiralty judge.

This was a matter of secondary importance. On the 7th of June, one of deeper moment—one, in fact, which does not appear yet to be conclusively settled—seems to have been abruptly proposed by the English party, after a long and complex adjustment of some questions about salted fish and flesh. They bluntly suggested that, in the united House of Commons, Scotland should be represented by thirty-eight members.* To the Scots commissioners, who remembered that, in the treaty of 1667, their predecessors had demanded that all the Scottish members should march into the joint House, this proposal appears to have been startling. They did not, however, take up their ground on any specific number or proportion. They found themselves "under an absolute neces-

* This minute is interesting. It is dropped at the end, as it were, of the long detail about the salt duties, and stands thus:—"The Lords Commissioners for England, being extremely desirous to come to a speedy conclusion of the present treaty for an union of the two kingdoms, and it having been agreed that the United Kingdom be represented by one and the same Parliament, their lordships have turned their thoughts to consider what may be a proper and reasonable number for the representatives of Scotland in the United Parliament,—Do propose to the Lords Commissioners for Scotland, that thirty-eight persons be the number by which that part of the United Kingdom now called Scotland shall be represented in the House of Commons, whenever a parliament shall be called in Great Britain."

sity, for bringing to a happy conclusion the union of the two kingdoms, to insist that a greater number than that of thirty-eight be agreed to." There were considerable intervals in the sittings at this juncture; probably there were animated discussions of which the minutes bear no trace, except that a special "conference" was held on the subject, after the old practice of the two Houses in England. On the 15th of June, the English commissioners brought the question to a conclusion, by agreeing that the number should be forty-five. Even in the phraseology of the minute, it is visible that this number was named with peremptory conclusiveness.*

The adjustment of representative numbers is ever a fruitful source of discussion, rendered unsatisfactory by the difficulty of establishing a base of calculation. The English would feel a motive, to which they could not very well give expression, in the risk that the orderly settled tactic of the House of Commons might be disturbed by the introduction of a band of strangers trained in a different school, full of national and peculiar prejudices, and liable, should they all act together, to form a firm phalanx, which a corrupt minister, or an unscrupulous opposition, might manœuvre at will. This was a difficulty which English statesmen were destined to feel far more distinctly in the Union of 1800. To the Scots, it

* "The Lords Commissioners for England, being assured by the Lords Commissioners for Scotland, that there will be found insuperable difficulties in reducing the representation of Scotland, in the House of the United Kingdom, to thirty-eight members, the number formerly proposed by the Lords Commissioners for England,—Do, to show their inclinations to remove everything that would of necessity be an obstruction to perfecting the union of the two kingdoms, propose to the Lords Commissioners for Scotland, that forty-five members, and no more, be the number of the representatives for that part of the United Kingdom now called Scotland, in the House of Commons of the United Kingdom, after the intended union."

Lockhart, who had the means of knowing the truth, though rather strong prejudices against telling it, says, that when the thirty-eight members were named from the English side, the Scots must needs make a great noise and have a solemn conference, as if the board were not a "packed up commis-

was in every shape important that the number of their representatives should be large. It involved the best guarantee for national independence and justice in the future Parliament; it was the most distinct criterion of national importance as an independent contracting power; it gave ambitious men in Scotland the greater chance of entering the united legislature. And yet it may be safely said that the number of representatives would have been no protection to Scotland, had the union been so incomplete and ineffective as to leave separate interests in which she required protection. Her great security was in that community of interests which divided the Scottish into the same political divisions with the English representatives, and made members vote as Whig and Tory, not as Scot and Englishman. We shall see that on a few perilous occasions nationality proved stronger than party. From these circumstances, the Union was in imminent danger; and had the nations been systematically divided, the doubling the number of the Scottish representatives would not have saved their country. British statesmen have ever looked nervously on questions which have tended to draw off Scotland against England; and it has indeed frequently been deemed an unhealthy sign of political parties when each does not draw its due proportion from each division of the empire.*

sion" of men who had a mutual understanding with each other. He says—"It consisted with my certain knowledge, that the English did design from the beginning to give the Scots forty-five commoners and a proportionable number of peers; but had the Scots stood their ground, I have good reason to affirm that the English would have allowed a much greater number of representatives and abatement of taxes; for the English saw too plainly the advantage that would accrue to England from any union of the two kingdoms upon this scheme, and would never have stuck at any terms to obtain it."—*Lockhart Papers*, i. 156.

* Even in 1835, when Sir Robert Peel was fighting against a majority in the House of Commons, it was over and over again represented in the conservative press that he had a majority of English representatives, and that the hostile majority was made up from Scotland and Ireland,—a circumstance supposed to weaken its moral force.

The utmost number of representatives for which the Scots ventured to plead was fifty. If they took taxation as the measure of representation, they had already condemned their cause by limiting the land-tax to a fortieth part of that paid from England,—a proportion that would have sent thirteen representatives from Scotland to meet the five hundred and thirteen of England.* But any limitation of the representation of the people by the limit which the landowners chose to place on their liabilities, would indeed have been a gross betrayal of their country for the basest of motives. It is to be concluded that, if taxation was taken as a measure, allowance must have been made for the expansion of the national energies in the widened field of enterprise. We are apt to underrate the justice meted out to Scotland by overlooking the vastness of that expansion. Of the fifty-three millions of revenue raised in the United Kingdom, Scotland affords upwards of six millions. She pays more than a ninth of the revenue—she has only a thirteenth part of the representation. Yet, when we remember that this has arisen out of a prosperity that might justly have been deemed a fabulous expectation, and that it was impossible to form any approximation to the actual population of the two kingdoms, it is difficult to hold that on this point Scotland was unfairly dealt with at the Union.† In the adjustment of Scotland's share in the House of Lords,

* By the Reform Act, the Scots representatives were raised to fifty-three, and the English reduced to four hundred and ninety-eight.

† The population of England is generally admitted to have been about six millions. So little was known about that of Scotland, that Defoe rated it at two millions; and Seton of Pitmedden at eight hundred thousand—the latter was certainly by far the nearer to the truth. The difficult problem of adjusting representation to an increasing population, without exceeding the number of representatives suitable for deliberative proceedings, has been best accomplished where it was most needed—in the United States. By a law of 1850, the number of members of Congress is permanently fixed at two hundred and thirty-three. By this number the inhabitants are from time to time to be divided. The quotient will show the number of inhabitants entitled to a member, and the representation will be distributed accordingly.

the proportion already established in the more important branch of the legislature was adopted; and as the Commons of Scotland formed a twelfth of the whole House, sixteen peers, if joined with the one hundred and eighty-five Lords of England, would make about a twelfth of the aggregate number, two hundred and one. These sixteen only, out of the one hundred and fifty-four who constituted the Scottish peerage, were to be members of the legislature, and to have privilege of Parliament. The body at large was, however, left not entirely uncompensated for the loss of direct legislatorial privileges, by their conversion into elective powers. Though they had not privilege of Parliament, they were to obtain privilege of peerage in the English sense, an advantage differing from any possessed by them in their own country. The nature of the change was doubtless immediately and accurately estimated by those directly interested in it. The parliamentary privilege gave freedom from arrest during service—the peerage privilege afforded an entire and continuous exemption. The Lords enjoyed the equivalent of parliamentary privilege during the short sessions in Scotland, but became liable to civil process at the conclusion; and it has been rumoured that the continuity of the exemption was no light boon to the Scottish peerage, and did much to remove antipathies and prepossessions.*

* The late Earl of Haddington, who was a magazine of accurate traditional knowledge, used to say that, at the end of each session, the Canongate Jail of Edinburgh became crowded with Scottish peers. It appears, however, that when the clause of exemption was subsequently debated in the Scottish Parliament, some members—probably actuated by a spirit of practical raillery, spoke of it as degrading. "It was moved," says Defoe, "to be excepted that the said lords should not enjoy the privilege of personal protection in cases of debt, as is the privilege of the peers of England. Some had alleged they pleaded for the honour of the Scots nobility in this head—that it was below their dignity to be protected by their titles against their just obligations, and a meanness they had all along contemned, to plead the privilege of their House against the proceedings of the law." However, a more cheer-

While these high questions of legislative organisation were under discussion, others of a humbler character, but having considerable influence on the fate and happiness of the people, were rapidly discussed and settled. Scotland was included within a uniform coinage with England, compensation being made for any losses caused by change of denomination. It is easy to get a nation to adopt a new coinage, provided it be genuine. The change was, however, linked to other uniformities in weights and measures, such as generations of earnest exertion sometimes do not accomplish. The uniformity was not made effective, in this instance, for more than a century,—if, indeed, it can be yet said to have been entirely accomplished. Napoleon, who saw the difficulty of accomplishing such uniformities, and despised their homely character, called them tormenting nations about trifles; so contemptible were they in the balance with national subjugation or great military achievements.

It was noticed with discontent, that in all these instances the standard of England was ever adopted as the rule; that Scotland always gave way, and there was no reciprocity in yielding points. But sensible men considered, that if Scotland were not injured by the change, and could not plead a substantial deterioration in her organisation by adopting that of England, such conformity was the fairest settlement of the difficulty. It was unnecessary to change the habits of both nations, if a change in one would suffice; and that the smaller should yield to the larger, was not only the more economic

ful view was taken of the matter. "When it was certainly considered and answered, that the persons of the peers of England are accounted sacred on several accounts besides those of debt—that even the government cannot proceed against a peer but in an extraordinary way—that no warrant can be executed in the house of a peer, but by three justices of the peace;" and so he continues describing the elements of aristocratic greatness, until, coming more close to the matter on hand, he says—still supposing himself in the position of the Scottish peer reluctantly persuaded to accept of the privilege

project in superficial amount of change, but gave the best guarantee for steadiness of general action,—the acquired habits of the majority having a better chance of rightly guiding the minority, than those of the minority would have, if they were to regulate the whole island. In matters of simple ceremonial, where both the Scottish and English practice could be easily altered, and a new combination made, the national honour was respected. Thus the flag of the United Kingdom was to conjoin the crosses of St George and St Andrew; and the coat armorial was to be quartered according to heraldic rules, so that in its employment for Scottish national purposes, the arms of Scotland might have the dexter or pre-eminent side—a privilege for some time adopted, and not lightly esteemed. A new great seal for the United Kingdom was appointed, for the authentication of national acts of the incorporated empire.

On the 15th of July, the question of the Darien Company—now relieved of the main risks attending its discussion, by the good temper shown on both sides of the board—was brought forward by the Earl of Mar, one of the most industrious of the Scottish commissioners. The demand was, that the company should retain their privileges, or that their stock should be equitably purchased from the holders. This was one of the points on which the English were clear and firm. The company must be abolished. They could not have faced Parliament and the great trading corporations, had they been accessory to the creation of a new British company, with boundless privi-

—"As to the credit and honour of being protected against just debts, it would be much more for the honour of the Scots nobility that they gave all men notice that they despised the advantage of their personal credit, and since they could not pursue a nobleman, they might decline trusting him—and welcome; and for those that were trusted, though they could not be sued, it was yet greater reputation to them that the principle of honour in them was so well known that men would depend upon their honour, where they could not otherwise oblige them to make payment."—p. 473.

leges, which, by a conjunction of favourable accidents, might suck within its vortex the whole trading enterprise of the kingdom. But they willingly agreed to the alternative of purchasing the shares.*

While this was under consideration, the report on the Equivalent was brought up. It recommended a sum, approaching close to L.400,000,† to be paid in cash; and a separate account to be held of future probable taxation for the debts of England, not capable of being specially estimated. Part of this equivalent was to be applied in payment of the stockholders of the Darien Company, with interest; in payment of the public debts of Scotland; and in compensation for losses by the coinage. The surplus of this grant, along with any further sum arising as an equivalent for Scottish payment of English debt, was stipulated to be employed in the promotion of the fisheries, and such other "manufactories and improvements" in Scotland, as might be conducive to the prosperity of the united kingdom.

Not the least important portions of the treaty, as it was ultimately drawn out, make little appearance in the minutes, from their relating to matters left untouched. Scotland was to preserve her local institutions, her courts of justice, and her law—the church was specially excluded from the matters coming under the notice of the board. When not only the laws, but the method of their administration, remained untouched, an element of disorganisa-

* "The Lords Commissioners for England, in answer, say they are of opinion that the continuance of that company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain, —and therefore they insist that it ought to be determined. But the Lords Commissioners for England being sensible that the misfortunes of that company have been the occasion of misunderstandings and unkindnesses between the two kingdoms, and thinking it above all things desirable that upon the union of the kingdoms the subjects of both may be entirely united in affection, do therefore wish that regard may be had to the expenses and losses of the particular members of the said company, etc."

† L.398,085, 10s.—See above, p. 414.

tion was left, which subsequently caused serious difficulties, and much disquiet. It had long been established in England that virtually all judicial offices were in the hands of the crown, which, through responsible ministers, appointed responsible judges. In Scotland, where feudality had kept more of its early ground, there were a set of local jurisdictions still hereditary or proprietary. In other words, the judicial power was held, not by one who was, or was supposed to be, capable of exercising it for the public good, and responsible to the country, through Parliament, for so exercising it, but by one who possessed it as patrimonial property. In no other nation had signorial privileges been so early and effectually subjected to the crown, acting for the people, as in England. The English commissioners must have felt how greatly the public of Scotland would profit by a communication to them of the English system of responsibility—how dangerous a neighbour Scotland must be while her gentry possessed judicial authority for the enforcement of military leadership. But they knew well that here were embarked the keenest interests and prejudices of the class with whom they had to deal. Possibly, also, they reflected that the Scottish common people, who would be the main gainers by the suppression of the feudal jurisdictions, unable to see the value of the boon, might easily be taught to treat it as an additional national insult—a ruthless effacement of their dearly-cherished and long-loved national institutions. It was not until the statesmen both of England and Scotland were frightened and incensed by the mischievous use of these institutions, that they were swept away in a moment of victorious power and indignation. It even facilitated this change, that they were preserved by the Union as "rights of property," and thus, instead of being nationally reserved to Scotland, were privately reserved to individual inhabitants, who, according to parliamentary

rule, were afterwards obliged to part with them at the price assigned by the legislature. While the hereditary jurisdictions were thus indefinitely preserved, the Privy Council of Scotland was allowed a temporary existence, until the united Parliament might think fit to supersede it.

Although the opponents of alterations in the law of Scotland have ever been in the habit of denouncing them as breaches of the Union, it is observable that the question of limitation in this department appears to have excited very slight discussion at the board. It was evidently a matter on which little could be said or done, productive of satisfaction. Those who were practically arranging the treaty felt that it would be preposterous to tie up a supreme legislature, understood to have the welfare of the whole island in view, against making alterations on the law and practice of Scotland, as the progress of civilisation and jurisprudential science might suggest them. At the same time it was well to record for Scotland a protest against wanton innovations, for the sake of mere conformity with England. Care was taken to exclude the jurisdiction and authority of the English courts of law within the bounds of Scotland. A distinction was then taken between the public policy of the united kingdom, and the law of private rights; and it was arranged that in future proceedings, "the laws which concern public right, policy, and civil government, may be made the same throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland." What might be of evident utility was open to question, and few changes could be made on which opinions would not differ. There was no prejudging such matters, or leaving them otherwise than to the supreme determination of Parliament. But it was laid down as a principle, which, like

other guiding principles, has been pretty well adhered to, that mere uniformity with English practice, unless it be a beneficial uniformity, is not a sound reason for an alteration of the Scottish practices.

The board finished their labours on the 23d of July, after having worked for a week beyond two months. So much business has rarely been concluded by deliberative bodies in so short a time. At the commencement of the sittings, we find several of the Scots members absent, but a full attendance of the English, as if they felt the importance of carrying the first great point, the incorporating principle. In the subsequent meetings they dropped off, as if the settlement of details were a matter chiefly of moment to the Scots, who attended in numbers of five and twenty, and upwards, to the last, sometimes only meeting with half their number on the English side. On the 23d of July, the articles were presented to her majesty, with appropriate addresses from either side; and in the royal answer there was a desire expressed, that the ministers for Scotland would lose no time in bringing the matter before that Parliament. Of the thirty-one commissioners on either side, twenty-seven of the English signed the articles, and twenty-six of the Scots. The only name conspicuously awanting, from its owner having intentionally absented himself from the concluding act, was that of Lockhart.

CHAPTER XI.

The Assembling of the last Parliament—Feelings of the Country on the terms of the Treaty becoming public—The Moderate Presbyterians—The Cameronians—The Episcopalians—The Jacobites—Their efforts to excite the people—The effect of these efforts on the Measure—Counteracting Influences—Marlborough's Victories—The European Crisis, and the hopes of the Jacobites—Business begun—Interruption by a Mob—Machinations of the Jacobites—A Public Fast—Position of the Church—Beginning of the Contest—Belhaven—The First Decision—The Clauses Passed—Alterations—Progress of Opinion out of Doors—Riot in Glasgow—The Cameronians, and Ker of Kersland—Assemblage of the County Gentlemen—Act of Security—Progress of Discussion of the Treaty—Last Attempt to Defeat it—Conduct of the Duke of Hamilton—The Treaty Passes the Estates.

THE Scottish Parliament re-assembled to hold its last session on the 3d of October 1706. It had been wisely decided to take the first legislative sanction of the treaty in Scotland. Its adoption would thus seem more like a deliberative operation by the Scottish people. An act passed in England, and sent northwards for approval, would have irritated the national pride, and seemed a foretaste of the insolent domination to be afterwards asserted; a legislative adoption by Scotland offered for the consideration of England, would touch no such sensitive nerves. The commencement of the Parliament was marked by two important official changes: Queensberry was re-appointed commissioner, and brought with him, as secretary of state, the young Earl of Mar, a man who might be safely trusted to carry through any project that would help his immediate interest. He had the important qualification of knowing the designs and resources of the Jacobites. In the words of Lockhart,

they "believed him an honest man, and well inclined to the royal family." In the latter supposition they might be right; in the former they were decidedly wrong. A royal letter was read urging the completion of the great measure, and saying, "It will secure your religion, liberty, and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms. It must increase your strength, riches, and trade; and by this union the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the protestant interest everywhere, and maintain the liberties of Europe."

Before the history of the short, busy, and stormy session thus begun is told, it may be well to offer a brief sketch of that external influence produced by the devulgence of the treaty, which had, in one sense, its bearing on the House, as a pressure from without, while in another it was roused and fermented from the legislature by the industrious machinations of leading statesmen. The people had been taught to expect in the Union a solution of the commercial difficulties, in the establishment of a free trade with England, and, ere they knew its specific nature, looked on the project with favour. But when it was known that the treaty inferred an incorporation or total absorption, prejudices and predilections were touched, which, down to that moment, had been dormant. Still it may be questioned if there would have been much popular feeling against the Union, had it not been industriously excited. Among religious parties, the moderate Presbyterian had sense enough to see that a solemn recognition of their own church in Scotland, along with the Church of England in its proper place, would, by allying them to a firm country and stable institutions, give a better security for the stability of the ecclesiastical institutions than they could hope for

in a country where, ever since the Reformation, they had been rocked about so tempestuously. They were, perhaps, rather confirmed than shaken in these views by the suspicious character and authorship of many eager entreaties to change them. The Jacobites represented to them, in powerful and pathetic terms, that the measure would be fatal to their darling presbyterian institutions, and implored them, by all they held sacred, to stand forward in the gap. Lockhart was almost driven frantic by the stupid obstinacy of these Presbyterians, who would not be persuaded that the only chance of salvation for their revered institutions, lay in their making common cause with his Jacobite and episcopalian friends. The Jacobites had great reliance in the excitability of the presbyterian clergy on such matters as breach of Covenant, and the English episcopal hierarchy; but the men who were quietly seated in their moderate benefices were strangers to the wayward sensitiveness of the Hill-men, and they preserved a prudent silence, giving their voices rather for than against the measure. The venerable Carstairs, who had been moderator of the General Assembly of 1705, had been sedulously courted by statesmen, both Scottish and English. It may be questioned if any one not in the immediate and responsible councils of the crown, had so fully the means of anticipating the general character of the treaty before it became public; and the hints which he received assumed the flattering form of applications for advice and counsel.* The Assembly which had risen just as the commissioners commenced their work, left in their proceedings some notices of casual encouragement, which, without pledging the church to specific views, ranged it on the side of the Union, as likely to be its safeguard from impending danger; and the eager persuasions of those whose triumph

* See Carstairs' "State Papers," 750 *et seq.*

would be their humiliation, and whose annihilation was their safety, were likely to be ineffective.

It was different, however, with the true representatives of the suffering remnant. There had already been, in their eyes, too much Covenant-denying, evasion of testimony, sinful compliance with worldly policy, and latitudinarian toleration of unclean things; and here, at the conclusion of all this backsliding, came one great national leap into the iniquities of our neighbours, who lived under the vile yoke of an Erastian prelacy. The Scottish people, who were under the most solemn vows to march southward and pull down the idol Dagon, were going to make peace and fellowship with its worshippers. That hierarchy which they had sworn not to tolerate, was actually to rule over them. The presbyterian system, instead of ruling everywhere triumphant, and dictating to kings and councillors, was merely to enjoy a tolerated existence, protected by temporal acts of Parliament and unjustifiable oaths.*

* "What a palpable breach is this wicked union of our Solemn League and Covenant, which was made and sworne with uplifted hands to the most high God, for purging and reforming his house, in these three nations, from error, heresy, superstition, and profaneness, and whatever is contrary to sound and pure doctrine, worship, discipline, and government in the same. And so it involves this nation in fearful perjury before God, being contrary to the very first article of the Covenant, wherein we swear to contribute our utmost endeavours, in our several places and callings, to reform England in doctrine, worship, discipline, and government; but by this union both we and they are bound up for ever from all endeavours and attempts of this nature, and have put ourselves out of a capacity to give any help or assistance that way; but, on the contrary, they come to be hardened in their impious and superstitious courses."—*Protestation and Testimony of the United Societies of the Witnessing Remnant of the anti-Popish, anti-Prelatic, anti-Erastian, anti-Sectarian, true Presbyterian Church of Christ in Scotland, against the Sinful Incorporating Union.*

This document defines England as "a land so deeply already involved in the breach of Covenant, and pestered with so many sectaries' errors and abominable practices." It denounces the succession, so arranged as to go to the Prince of Hanover, "who has been bred and brought up in the Lutheran religion, which is not only different from, but in many things contrary unto, that purity in doctrine, reformation, and religion, we in these nations had

There could be no halting between two opinions—the design was not to be tolerated—and the Hill-men were ready to draw the sword—a view which precisely suited the designs of their old persecutors, the Jacobites. Nor did it at all startle the single-minded Cameronians, to find their peculiar doctrines against Prelacy recommended to their special consideration by Papists and Episcopalians,—they were too profoundly absorbed in their own infallibility, and their duty to carry out their doctrines with the edge of the sword, to study the congruity of mere worldly and political combinations. It was not till they found themselves about to walk side by side with their bitterest enemies, that they felt the incongruity of such an alliance. In the progress of the session, we shall see how this attempt at a coalition fared.

Fletcher and Belhaven gave the measure, as we shall see, a determined opposition; but the real danger was in the machinations of the Jacobites, to whom such a balancing of the national accounts presaged a reign of peace and strength, which was not favourable to their turbulent cause. When Scotland ceased to have separate objects keeping her in dispute with England, one of the best chances of a restoration was gone. The moderate

attained unto." A more particular enumeration of these curses contains, besides "the prelates, who themselves are the very malignants and enemies to all further reformation in religion," "Anabaptists, Erastians, Socinians, Armenians, Quakers, Theists, Atheists, and Libertines of all kinds, with many others which abound and swarm in that land;" and it is predicted as to all these, that they "will come crowding and thronging in upon us, venting and vomiting up their damnable and hellish tenets and errors, to the destruction of souls and dishonour of God in many respects, and that without any check or control by civil authority, as is evident from the present practice of England, as having got full and free liberty for all this by means of this accursed union." They protest that they are not turbulently inclined, or deniers of civil government, but that, on the contrary, they "are willing to maintain, and defend, and submit to all such governors as shall be admitted according to our Covenants and laws of the nation, and act in defence of our covenanted work of reformation."—*Protestation and Testimony of the United Societies of the Witnessing Remnant*, etc.

Episcopalians might perhaps have seen a prospect of a respected toleration for themselves, in the indissoluble alliance with a country in which a church, nominally their own, was supreme. The great herd of them, however, were not moderate, but had staked their chances of ecclesiastical resuscitation on the return of the exiled family. Many who had professed no open partizanship, were in heart Jacobites and enemies of the Union. It is chiefly to these Jacobites that we owe that series of popular manifestations often cited in testimony that the Union was carried in spite of the nearly unanimous protest of the Scottish people. Yet there is little doubt that those who, like Lockhart, exultingly describe the riots, the assemblings, and the addresses, would not have had the agreeable task of describing them, if they had not themselves diligently fostered the excitement. It would be difficult to name an occasion in history—impossible to find any in the British annals—in which rank, talent, and the traditional authority that ought to have brought a feeling of responsibility with it, so systematically and determinedly fell to the function of rousing the fierce passions of the mob. All was quietness throughout Scotland, until the press let loose an unprecedented torrent of exciting pamphlets. The people of the Scottish Lowlands—the only portion of the country which had any moral influence in politics—though ever ready for war, were fond of peace. They had obtained fleeting and tantalising visions of the practical blessings of commercial prosperity, and longed substantially to enjoy them. In a just union of the two kingdoms, they expected the realisation of their hopes. It does not appear that even the disappointing intimation that the treaty was to be incorporating, had created much excitement among them, until they were loudly and eagerly told, by those whom they were accustomed to respect, that they were betrayed.

It is a marvel how the Edinburgh press of that day could have printed the multitude of denunciatory pamphlets issued against the Union; and it is necessary to suppose that many of them were printed in England, and sent for distribution to Scotland. It would be a libel on the zeal of the Scottish people of the period, to suppose that this literary hurricane was received with indifference. It had only too much influence. Those who, at some great political crisis, have noticed the vehemence of the press, and the anxiety with which its revelations are sought, can only faintly imagine the pamphlet frenzy of Scotland. The crisis was infinitely greater than those which nations are accustomed to approach with legislatorial deliberation. Changes so important are generally made by sudden revolutions, and uncontrollable exercises of power. But here, for good or for ill, a revolution, as great as any that had caught a people by surprise, was to be systematically carried through by the representatives of the nation; was under deliberation, and might be helped or prevented by popular feeling.

The pamphleteers naturally appealed to every prejudice and sentiment that could avail them. The religious incitements had, of course, a prominence conformable to their importance. The lovers of ancestral renown and national glory, never scanty among a high-spirited people, were told that the ancient independent monarchy, a thousand years older than any other existing government, was to die in the hands of the degenerate offspring of its old protectors. The people, who had lived under more than a hundred monarchs in one unbroken line, were henceforth to look on their dynasty of sovereigns as a past tradition, and be a province of an upstart nation which had come into existence yesterday. People were pathetically desired to go and see the national honours,—the crown, sword, and sceptre,—as things

that were to be no longer visible, for they would be removed as a token of the humiliation of Scotland.*

To humbler intellectual appetites, there were more homely excitements. Those who looked forward to the increase of Scottish commerce by a free trade with England, were especially appealed to. They were told that the offered participation was a mere delusion, that the whole was already entirely occupied by the English, and they were invited to a feast at which every chair was filled. All the large foreign trades were dispersed among privileged companies, who would allow no stranger to participate in their transactions. And it was for this that they were to give up their substantial commerce with France, and their independent competition in the markets of the world! Traders, even in times when they are better fortified against delusion by a knowledge of the principles of commercial economy, are always apt to give ear to such predictions, especially when they come from educated authority, and are fortified with masses of lying figures. To one department of the trading world the agitators talked with effect, for they described a sacrifice not to be denied. The citizen tradesmen of Edinburgh would lose their parliamentary customers. They had traditions from their forefathers of a century ago, about the desolation of the High Street on the removal of the court; and here was a second blow falling directly on themselves. It is not a grateful or a hopeful task to persuade men that they should sacrifice their own interests to the preponderating advantage of the community at large. The Edinburgh shopkeepers of that day were human, and susceptible to the influence of

* And when one sees, through Scott's vivid narrative, the excitement of the group who in 1829 opened the chest containing these memorials of the Scottish sovereignty, and their fright lest the coffer might be found empty, and the "national honours" gone, it is easy to imagine how much sensitiveness there must have been on the subject upwards of a hundred years earlier.

appeals about the decay of their trade. Thus a spark was skilfully thrown into combustible matter close to the centre of operations, and its effects, as we shall see, were troublesome, if not formidable.

These alarms, dealing with the most important of temporal matters, the elements of subsistence and comfort, were sounded not less loudly in the ear of still humbler classes. The workman was told that he would have to pay English prices for his food, but would not earn English wages, for well-paid occupations were all already bespoken by the greedy southern. The beer made from the scanty crop of barley reared by patient labour on the bleak hillside, was to be taxed on a scale proportioned to the capacities of the English squire who fattened on his rich paternal acres, and the Scottish hind and artizan must for ever bid farewell to the cheering home beverage. While the jug of ale was to be snatched from his hand, a heavy salt-duty was to spoil his humble dinner; and lest he should doubt the accuracy of the picture drawn by the anonymous pamphleteers, it was artistically finished by Lord Belhaven in his place in Parliament, who described the artizan "drinking water instead of ale," and "eating his saltless pottage," while he saw the laborious ploughman, his corn spoiling upon his lands, "cursing the day of his birth—dreading the expense of his burial."

Such a loud appeal from the higher and instructed to the humbler and unlearned classes, on a matter of civil policy, was a novelty in Scotland, and it could not be but that a people partial to the authority of birth and education, and accustomed to follow when these qualities took the lead, should respond to the call,—it is only remarkable that it did not cause a disastrous insurrection. The opponents of the Union of course had not all the pamphleteering field to themselves. Reason and fact spoke against them on the other side, and with some effect, though one would expect the still small voice of

rationality to be lost in the storm. The popular preponderance was undoubtedly with the opposition; and when the real labours of the session commenced, their handiwork had a very formidable and menacing appearance.*

But there was an external force acting in another

* The most eloquent and rational pamphlet on the side of the promoters of the Union, which has come under the notice of the author, is called "A Sermon, preached to the People at the Mercat Cross of Edinburgh, on the subject of the Union." It is attributed to Sir David Dalrymple, who was member of Parliament for Culross, and for some time Solicitor-General. He selects for a text the passage in Ecclesiasticus x. 27,—"Better is he that labourer and aboundeth in all things, than he that boasteth himself and wanteth bread." "I have chosen," he says, "an apocryphal text, because my subject is not sacred but secular." And throughout, his semi-biblical citations are from the Apocrypha, as if he feared that the citation of the canonical books in a mock sermon might be deemed irreverent. This appeal goes straight to the substantial advantages of the measure, thus,—"Dearly beloved countrymen,—A generous, powerful, and victorious nation invites you to an intimate union with themselves—a nation, whose laws are more just, whose government is more mild, whose people are more free, easy, and happy than any other in Europe; a nation who, by their wealth, wisdom, and valour, have broke the most formidable power that ever threatened Christendom—to whose victorious arms even you yourselves owe your present safety. This nation, I say, invites you to a copartnership of all the advantages they presently enjoy, or may reasonably hope for. . . . It might justly have been expected that such a generous proposal would have been welcomed with the universal acclamations of all ranks and degrees of people. Instead of that, you have received it with riots, mobs, and tumults. If the offer had not been profitable, it was at least civil, and deserved a friendly reception and a courteous answer."

The author alludes to the national characteristics which impeded the Union in a bold and unsparing spirit; and we may be very sure that the defects he spoke of were then disgustingly prominent, though the widened field opened to Scottish enterprise by the very measure he supported, has removed them, or long since obliterated them. He finds "a very intimate connection betwixt three dismal companions—pride, poverty, and idleness." "This is a worse union a great deal than that which we are to discourse of at present. These three love extremely to keep company, and I could never guess for what reason, unless it were to tease and vex one another. Poverty does what she can to starve pride, and pride eats out the heart, guts, and blood of poverty, and lazyness will not stir an inch to relieve either: That these three fatal sisters may not only be separated, but eternally banished this kingdom, it shall be the subject of my discourse to show, that it's better to increase our trade, manufacture, and riches, by an union with England, than to boast of our sovereignty, and starve." In answer to the cry, that England would over-

direction, which urged the ministry on with their work. If it were to be asked what one man did most for the accomplishment of the Union, it would not be unreasonable to say it was the Duke of Marlborough. In May, he had gained the great victory of Ramillies. The allied armies, concentrating their operations, threatened the "sacred soil of France." An expedition had been fitted in England to invade the French coast. In Spain, the war was equally disastrous to the continental friends of the Stewart family. The French aspirant to the Spanish crown had been driven from Madrid, and Charles III. was expected in his capital. France had her hands full of unsuccessful work. It was the worst of all moments for the exiled house to obtain foreign aid. But that moment of utter helplessness was precisely the one in which their cause most needed it, to have a chance of success. The Scottish Jacobites were compelled, at this unpropitious juncture, to commit themselves, and make earnest appeals for French assistance, making offers to second an invasion of Scotland. The ministry were aware of these appeals. They knew how hopeless they were at that moment, but how dangerous they might be, if a change in the prospects of the continental war should enable France to throw troops into Scotland during the acrid and nervous discussion coming on, and before the amalgamation of the countries placed the defence of

bear Scotland, he asks—"Has Wales, since their union, ever complained of the breach of one article? Is there any privilege which an Englishman enjoys, which a Welchman is deprived of? Do all other counties unite to oppress Yorkshire?" And he announces his belief that "England has oppressed Scotland ten times more since the union of the two crowns, than ever she will be able to do after the union of the two parliaments." On the objection, that the measure would draw away the people from Scotland, he aptly remarks, that they already emigrate in multitudes from the poverty of their country, and its deficiency in enterprise and the means of employment; and adds, "Is it not extremely probable, that the increase of trade would employ and keep many at home, that are now forced to seek their bread in foreign countries? And not only so, but when the restraint on the

the whole island in the hands of a British ministry. Assuredly it was the moment for the partisans of the Stewarts to strike a blow, if they could. Scotland was still a separate kingdom, where English troops had no more right to march than French troops. The Jacobites had themselves excited an irritation, which almost made the juncture auspicious. But the deeply-desired aid was besought in vain. The ministry were, by the same reasons, urged to exert themselves. They knew the plots that had been prepared, and, in the hot debate that followed, could look in the faces of the plotters, and let them see, by a significant hint, that the sword hung by a hair over their necks. There is no doubt that an acquaintance with these ineffective plots, was a material aid to the government in fighting out their battle.

So matters stood, when, on the 12th of October, the Estates began to consider the Articles of Union. According to their method of transacting business, a discussion, which would now be called desultory, was had on the whole treaty. The minutes of the session bear that, on each day, certain articles were read, with the corresponding proceedings of the commissioners, "and were all reasoned and discoursed upon," without any vote or trial of strength.

While the Estates proceeded with this preliminary discussion, the excitement without was growing wilder.

laws of trade is taken off, the cheapness of living and manufacture will invite people from other parts into Scotland, particularly the Scots who are now settled in the West Indies." On that argument which had the chief hold on the passions of the gregarious people—the loss of nationality and sovereignty—he said, "In the first place, I ask any reasonable man, Do we lose our sovereignty in any other sense than England does? Is there not a new title, new seal, new arms, and the same changes for them as for us? . . . Why is it more dishonourable for Scotland to unite with England, than it is for England to unite with Scotland? What is it that Scotland loses? The country—the people—are not annihilated; nor does our union cause that all the worthy deeds that have been done at any time by the Scots nation or Scotsmen, are undone."

On the 23d of October, there were unpleasant symptoms of mob insurrection in the streets of Edinburgh. It had been the practice for some previous nights for an assemblage to attend the Duke of Hamilton from the Parliament House down the centre of the city to the palace of Holyrood, where he lived. One who considered this a powerful manifestation of public opinion, says, the procession generally consisted of "apprentices and younger sort of people,"* who, as they cheered the Duke on in his patriotic course, bestowed their maledictions on Queensberry, the commissioner. On the 23d, they assembled in greater numbers in the Parliament Close, rendering the assembling of the members unpleasant, if not dangerous. The House sat unusually late that night, and the crowd, waiting to pay their usual ovation to the Duke of Hamilton, were disappointed by his entering the neighbouring lodging of the Duke of Atholl, instead of letting his chair be carried with the usual procession to Holyrood. The crowd, baulked of their occupation of honouring a popular man, bethought them of attacking some unpopular person; and they found conveniently in their neighbourhood the residence of Sir Patrick Johnston, who was particularly amenable to the people of Edinburgh, having been their lord provost. Sir Patrick lived in an elevated floor in one of the mountainous houses of the old town; and making their attack on that generally most assailable part of a citizen's house, the windows, the mob found them too high to be reached by their most skilful stone throwers. They resolved to attack the door, but as only a few of them could mount the common stair to assail it, the attack

* Lockhart Papers, i., p. 163. "The Commissioner, as he passed through the street, was cursed and routed to his face, and the Duke of Hamilton huzza'd and conveyed every night with a great number of apprentices and younger sort of people from the Parliament House to the Abbey, exhorting him to stand by the country, and assuring him of his being supported."

would not have been very formidable had there been any defenders. The ex-provost's wife was, however, at home with no other protectors than her domestics. While those who had mounted the stair were staving in the door, she went to one of those windows which had proved themselves to be above the missiles of the mob, and screamed for assistance. A neighbour went for the town-guard, who came up to the number of thirty, and dispersed the rabble, making prisoners of six of the most officious of those who were engaged in the yet unsuccessful attack on the door. The disturbance, however, having once begun, increased, and the streets were for a while in the hands of the mob, who made the passage homewards to the unionist members of Parliament, whom they recognised, unpleasant. The crowd seems to have been an ephemeral one, not actuated by the deep resentments shown in the affairs of Green and Porteous, though it was spoken of as very formidable by the party writers of the period. Defoe, who was present, describing it with palpable exaggeration, mentions, among other indications of its ferocity, that he himself "had one great stone thrown at him for but looking out of a window, for they suffered nobody to look out, especially with any lights, lest they should know faces and inform against them afterwards."*

The riot seemed to grow too formidable to be dealt with by the city-guard, who were the police and military

* History of the Union, p. 238. Defoe, with his usual pleasant garrulity, recurs to his dangers from this mob, which he seems to think he had not sufficiently indicated in the throwing of the great stone, thus, "The author of this had his share of the danger in this tumult, and though unknown to him, was watched and set by the mob, in order to know where to find him, had his chamber windows insulted, and the windows below him broken in mistake. But, by the prudence of his friends, the shortness of its continuance, and God's providence, he escaped."—P. 239. Defoe exaggerates this affair to laud the prudence of the ministry in suppressing it; and Lockhart is equally profuse in his anxiety to make out a case of strong popular feeling against the Union.

protectors of the city, and had, in ordinary circumstances, the exclusive privilege of military action within its walls. As the sailors from Leith, generally the most effective members of any Edinburgh mob which has nothing more in view than destruction, were on their way to participate in the confusion, the Commissioner thought it would be well to have assistance from the castle; and with the sanction of the Lord Provost, a battalion of the guards entered the town, and dispersed the concourse, placing sentinels at the heads of the long alleys through which Edinburgh mobs are apt to percolate back to the main street. The streets were quiet soon after midnight. The details of the affair would, indeed, not belong to history, from its own intrinsic importance, and would hardly deserve even transient notice, were it not that the anti-revolution writers founded on it as showing the unpopularity of the Union. It thus became historically important, as the actual measure of their formidable announcements of national resistance. No life was lost in it, and apparently no material personal injury inflicted. Indeed, it does not appear that the passing of the Union cost a single life, yet Scotland has not been always sparing of human sacrifices when her people were in earnest. The Privy Council issued a proclamation against the recurrence of similar disorders, which, in laying special injunctions on the professors of the University to keep their students in order, and on tradesmen to see to the conduct of their apprentices, indicates that the youthful part of the population were the more zealous and formidable.*

* The really trifling character of this outbreak would be fully evinced, if we had no other information, by the laborious but vain efforts of Lockhart and his friends to inflate it into national importance. He reasons that, in this instance, "the inclinations of the elder were known by the actions of the rasher and younger," and says, "'Tis not to be expressed how great the consternation was that seized the courtiers on this occasion. Formerly they did, or pretended, not to believe the disposition of the people against the Union,

Several members, and especially the Lord High Constable, whose function it was to protect the Parliament, declaimed vehemently against the resort to the troops. They remained, however, as a military guard in Edinburgh during the progress of the discussion; and thus the force which the Act of Security had created became instrumental in accomplishing what its main promoters deemed the ruin of their country.

Among the efforts of the opposition at this critical juncture, one had a character peculiar to Scotland, and the habits and institutions of the people;—this was the appointment of a solemn fast for an expiation of the sins of the land. On many occasions—some of them of comparatively recent date—this plan has been resorted to for spreading and deepening party views, and collecting the people in great solemn assemblages. It is difficult to bring arguments against such an act of homage to the Almighty, on the eve of a great national undertaking, even though it be known that the motives of those who propose it are purely temporal and factious, and that their sole object is to get the conduct of their political opponents denounced as a sin of which the nation ought vehemently to repent. The promoters of the proposed solemnity, however, did not carry their point on this occasion. They were chiefly arrant Jacobites, and their motives were too flagrantly apparent.* The Parliament

but now they were thoroughly convinced of it, and terribly afraid of their lives; this passage making it evident that the Union was crammed down Scotland's throat." He says, in continuation, "This mob was attended with bad consequences to the country party, for, falling out before the nation was equally informed of the state of affairs, and equally influenced with resentment, it was easier dissipated, and discouraged others from making any attempts for the future, and gave occasion to the courtiers here to represent to the ministry of England not to be alarmed, for it consisted of a parcel of rascally boys, no others being concerned in it, though the chiefs of the country party had encouraged and hired them out; besides, the placing of these guards overawed many both in and out of the House."—*Lockhart Papers*, i., pp. 163, 164.

* Defoe says it "was opposed by those that some thought had more

refused legislatively to enact a solemn fast, leaving it to the ecclesiastical tribunals to appoint any such solemnity, with such sanctions as they possessed; nor, on a second proposition, would the Estates agree to give the House of Parliament as a temporary church, in which two favourite popular preachers might officiate on the occasion.*

The General Assembly were then sitting in their periodical Commission, and as the appointment of fasts was a usual function of that body, there was nothing conspicuous or unusual in their so acting at the present juncture. The fast, thus held, without any momentous or unusual precedents, was observed with inoffensive decorum; and, much to the mortification of its eagerest promoters, was made more a religious than a political observance.† The Commission took the occasion to recommend that the preservation of the Church of Scotland should not rest on the mere negative sanction that the treaty left ecclesiastical matters untouched, but should receive some strong and special support; and on this hint, the Act of Security, to be afterwards spoken of, was prepared.‡

This body, as the representative of the Church of Scotland, passed more than one farther address to the Parliament while the great affair was before it. These

inclination to the work of a public fast, than those that proposed it." This sort of scornful hypocrisy seems to have got no reciprocity from the honest mind of Fletcher of Saltoun, who said if he "could tell what he knew, some of its promoters would be ashamed to hold up their faces."—*Hume of Crosrigs' Diary*, p. 177.

* Hume's Diary, p. 177.

† The promoters would readily have named the proposed union with English Prelatists as among the sins of the land calling for fasting and humiliation, but the address of the commission was directed against Popery, and significantly commented on the success of her majesty's arms against the enemies of the country.

‡ This address is not to be found in the "Minutes of Parliament," nor in the ordinary printed proceedings of the General Assembly. It will be found in Defoe, p. 608.

documents had a moderation of tone deeply provoking to the Jacobites, who would fain have seen the church fall into the snare of asserting its supremacy over all things, as of old, and disdaining to countenance worldly policy, or the work of men's hands. But the comfortable established clergy of that day were different men from the theocrats of Dunbar and Bothwell Brig, and declined to court ruin by helping the Jacobites to their triumph. The sagacious Carstairs, though no longer their moderator and chairman, led them by his counsel. It would have, perhaps, been unreasonable to expect that an ecclesiastical body, counting itself independent of all other authority and irresponsible in this world, should accept, without a nominal protest, an alliance with a church which it was bound, by its standards, to denounce; but the protest was made gently, and after the manner of men who wish to say such a thing for consistency's sake, and then have done with it. It complained of the Test Act in England, as making an inequality in the capacity of Scotsmen to hold office there; and recommended, as a security for the Church of Scotland, that "no oath, bond, or test of any kind" should be required from ministers or members of the Church of Scotland, "which are inconsistent with the known principles of this church."* The oath of succession, afterwards embodied in the Act of Security, was suggested; and the address concluded with a gentle protest on the prospect of the Presbyterians and their church being liable to legislation by the bench of bishops.†

During the desultory discussion preliminary to the

* It might, as we shall see, have saved the country from very unpleasant disputes and divisions in subsequent legislation, if the previous instances showing this antipathy of the Presbyterians to take, in their religious capacity, oaths of a political character, had been better considered by statesmen.

† "In case this proposed treaty of union shall be concluded, this nation will be subjected, in its civil interest, to a British Parliament, wherein twenty-six prelates are to be constituted members and legislators: and lest

voting, addresses against the fundamental principles of the treaty as an incorporating union, began gradually to make their appearance, and at length flowed in with a strong current. Those who maintain that the Union was a species of conquest, found on these documents as the evidence of its national rejection by the people of Scotland. It is clear, however, that they emanated, like many other apparently wide manifestations of national feeling, from some central workshop, and it does not appear that they were received with a tumultuous unanimity sufficient to satisfy the organisers.*

These addresses came first from the county gentlemen, or the "barons and freeholders," of the counties of Mid Lothian, Linlithgow, Perth, Stirling, Dumbarton, and Forfar. From these counties, addresses had come in before the 4th of November, when the towns took up the cry, certainly very moderately at the beginning. The first urban addresses came from Linlithgow, Dunkeld, and Dysart. They were followed, on the 8th of November, by the parish of Tullyallan, by Dunfermline, then a mere village, and by Borrowstounness, a place then of greater relative importance than at present.

our silence should be construed to import our consent or approbation of the civil places and powers of churchmen, we crave leave, in all humility and due respect to your Grace and honourable Estates of Parliament, to represent, that it is contrary to our known principles and covenants, that any churchmen should bear civil office, or have power in the commonwealth."

* Lockhart, in his indiscreet impetuosity, divulges the policy of the addresses. Apologising for the country not having risen in outrage, after the example set in Edinburgh, he says, "If now we leave the town, and make a tour through the country, though the badness of the season prevented their coming together, and proceeding to acts of violence, yet there we shall find the same, if not a greater, aversion to the Union, which, amongst other things, appears from the addresses that were presented during this session of Parliament." Defoe had spoken of the addresses as a part of the political machinery of the parliamentary opposition, on which, Lockhart says, "that vile monster and wretch, Daniel Defoe, and other mercenary tools and trumpeters of rebellion, have often asserted that these addresses, and other instances of the nation's aversion to the Union, proceeded from the false

These representations from the burrows seemed to be concentrated in an address from the shadow of the old burghal parliament called the Convention of Royal Burrows, a body even then quite uninfluential, which yet, by its sounding corporate name, has often produced a considerable effect at a distance. There were thus many addresses against the Union, scarcely any in its favour. Still, it would be an entire mistake to make the respective numbers of these addresses the guage of the inclinations of the nation. In the first place, the promoters designedly avoided any organised attempt to obtain testimonials in favour of the Union, on the principle that the polling of the nation as voting specifically on two sides, would tend to perpetuate a great national feud. Apart from all questions about the central preparation of addresses, the opponents of a measure full of such complex details, and even to its friends leaving so much for development to futurity, have their simple negative —their "no, no"; while the supporters, like the Commission of the church, have to devise amendments and submit to compromises. It cannot be held that the Union was popular; but certainly the addresses are no more a

glosses and underhand dealings of those that opposed it in Parliament, whereby the meaner sort were imposed upon and deluded into those jealousies and measures. I shall not deny, but perhaps this measure of addressing had its first original as they report; but 'tis absolutely false to say that any sinister means were used to bring in subscribers; the contrary is notoriously known, for the people flocked together to sign them, and expressed their resentments with the greatest indignation." He afterwards gives a specimen of the addresses, which, he unconsciously says, was in the form for the most part made use of everywhere, excepting that some of the western parishes added the inconsistency of the Union with the National and Solemn Leagues and Covenant. It is surely not wonderful, after the hints which the Jacobite chronicler thus permits to escape him, that he should have to record how "the Parliament had no more regard to these addresses, which contained the inclinations and earnest supplications of the people, than if they had indeed served for no other use than to make kites, which was the use my Lord of Argyle was pleased to assign them publicly in Parliament." —*Lockhart Papers*, i., pp. 166–170.

measure of positive national antipathy to it, than the turbulence of the Edinburgh apprentices. And, indeed, the broad assertions of the Union having been forced on Scotland against the national will, first made by the Jacobites and the ultra-Covenanters, and repeated, down to Sir Walter Scott's day, are entirely unproved.

The opposition in Parliament founded on the addresses the tactic that before deciding on so important a matter as this union, which involved the annihilation of the constitution through which they were appointed, the Parliament should be dissolved, that the constituencies might be consulted. A reference to constituents has always a fair appearance. In this instance the reference was desired in order that, in the delay it would create, the Jacobites might have time to make their arrangements with France; while many chances in their favour might arise during the course of an exciting election.

A legislative body is never prompt to admit its own unfitness to deal with the affairs before it, on account of their importance. But the Parliament of Scotland could find abundant reasons for declining to resign its functions, and for deeming itself imperiously bound to carry out the great work which it so propitiously found itself in a position to accomplish. The Estates had not only the usual argument against the moment of excitement and division, being that which ought to be selected for an appeal to constituencies, but they knew that the reason for its being desired was, that time might be given for the state of affairs abroad to permit a French invasion, while the island was disunited and distracted. On the other hand, it could not be said that the Union was a new project, taking the country by surprise, and beyond the anticipated functions of this Parliament. The country had been familiar with it for a century, as an object to be accomplished whenever there was a fitting opportunity. It was expressly contemplated as

an immediate practical measure, in the year 1703, when this Parliament was elected, and, indeed, it might be said that the Parliament which adjusted the Union was chosen for that very purpose. Men who felt that they had in their hands the means of carrying through so great and beneficent a project, would have been justified on grounds far less conclusive in their resolution not to resign their functions and their opportunity.

The Parliament spent a month in preliminary discussions, which cleared the way for effective warfare, and enabled parties in the House to estimate each other's strength. Though they must have felt that they had a majority in Parliament, the government were far from sanguine; and the private correspondence of the period shows that those who appeared in public to treat the measure as one that must pass, had many misgivings, and acknowledged to each other with regret that after all, the great project of pacification would probably have to be abandoned.*

The first pitched battle of the campaign was fought on the 4th of November. It was agreed that a vote

* Baillie of Jerviswood, writing to Secretary Johnston, with an account of the majority on the first vote on the articles, says—"The Union has lost ground, and is fair to be thrown out before the conclusion of the articles, for many of the old party want courage, and I cannot say but some of them are in danger; and the country is stirred up against it, partly by the Jacobites, and partly by the Presbyterian ministers." Johnston answers in cypher, which is thus read—"Nothing is to be done just now with the Whig lords. The new party, as I foresaw, have now neither them, nor the court, nor Scotland. Besides, no man's to be forced to go to heaven, much less to be happy on earth; and forcing one's country is like forcing one's father and mother. I would not have you run your heads against a wall. When madmen cannot be shut up, it's better to let them alone. I wish you could make room for the succession, which, with the limitation, will force a union in time without any risk." The same correspondence shows a curious distrust of some persons, whose official position should have identified them with the measure. Thus, "I told you that the Lord-Advocate is against the Union; he dissembles it now in his letters to this place, and if the Jacobites are to be believed, he is employed by the Dutch."—*Jerviswood Correspondence*, pp. 168, 169.

should then be taken on the first article of the Union, with the understanding that it could only be carried as a part, and "that, if the other articles of the Union be not adjusted by the Parliament, then the agreeing to and approving of the first shall be of no effect." The occasion was memorable from the oratorical display it called forth. The Duke of Hamilton, shaking off his usual lethargy, or abandoning his designed inactivity, gave forth a spirit-stirring address on Scottish nationality. Seton of Pitmedden, one of the commissioners, spoke for the public an essay in favour of the measure, with that calm appeal to sense and facts which is becoming in a responsible statesman asking support for a new and vitally important measure. But the occasion roused up a spirit of another order, uncontaminated by the stain of faction or treachery, and great in its own enthusiastic integrity. The young Lord Belhaven, whose impetuous, haughty, and fierce character, is visible in the dark brow, stern lip, and flashing eyes of his portrait, and is confirmed by his public conduct and the opinions of his contemporaries, had shown a degree of ferocious animosity to the new measure which some thought would lead to insanity—others, to a criminal outbreak.* He had resolved to concentrate his wrath in a great effort; and, too deeply absorbed in brooding over his own conceptions to take the slightest notice of the calm speech of Seton, he poured his feelings forth in a passionate torrent of theatrical invective, wrought up to the highest tone of classic denunciatory rhetoric. This speech is an event in the history of Scotland. It was circulated in all known shapes among the people, passed through unnumbered editions, and was so plentifully dispersed that a book-collector seldom buys a volume of Scottish political pamphlets, of the early part of the eighteenth century, which does not

* See the "Jerviswood Correspondence," p. 150.

contain "The Speech of the Lord Belhaven on the subject-matter of an Union betwixt the two Kingdoms of Scotland and England." A great portion of the influence of this speech must be attributed to the author's rank, and to his honest enthusiasm; for his memory is not tainted with designs for encouraging a foreign invasion, or professions of nationality for the purpose of aiding the house of Stewart. His intrinsic ability must have effectually aided these incidental qualifications, for it would be impossible to stumble on this production, in any shape, without acknowledging in it the work of an artist. In despite of scoticisms, gallicisms, overstretched classicality, and monstrous affectation, it would stand beside any efforts of later English oratory; and probably, were it examined at an age so distant as not to give the later speaker the benefit of a distinctly perceptible adaptation to acknowledged conventionalisms, it would be found to have few competitors among them in the essentials of heroic oratory—rapid and potent diction—impassioned appeal —bold and apt illustration. A marked peculiarity of this effort is, that while it was evidently intended for the populace rather than Parliament, it is full of subtle classical allusions. The enthusiastic patriot had studied to good purpose the two masters of ancient oratory, and, perhaps unconsciously, had armed himself from both. From the stern, emphatic Greek, he took his rapid pictures of the several grades of his countrymen under the new dispensation. His cultivated audience could not but admit their terseness and simplicity, and their aptness to the matter on hand, if they were well founded. At the same time, his substantial predictions were as comprehensible as they were alarming to the anxious public without, to whom his classical allusions would seem not the less gorgeous and majestic as decorations, that they were mysterious, and required an interpreter. And even in his own particular audience, we can imagine, if he had a

good rhetorical manner, a thrill passing through the House when he says—"What hinders us, my Lord, to lay aside our divisions, to unite cordially and heartily together in our present circumstances—when our all is at stake. Hannibal, my Lord, is at our gates. Hannibal is come the length of this table—he is at the foot of this throne; he will demolish this throne if we take not notice—he'll seize upon these regalia—he'll take them as our *spolia opima*, and whip us out of this house never to return again. For the love of God, then—for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert into prosperity and happiness!—we want no means if we unite. God blesseth the peace-makers—we want neither men nor sufficiency of all manner of things to make a nation happy." This strain was broken occasionally by bold theatrical interruptions. He puts the question of national union of parties against the common enemy, upon his bended knees—pauses for a reply, as if it were a thing to be expected—and solemnly records, "No answer." But the most effective point must have been that where, after a rapid sketch of the contents of the treaty, he exclaimed, "Good God—what is this—an entire surrender! My Lord, I find my heart so full of grief and indignation, that I must beg pardon not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story."

We are told, however, that, during the pause, the members, instead of being silence-stricken and expectant, carried on a desultory discussion on the matters before them, until the orator resumed. A Scottish audience is by no means the best adapted for such attempts. The speech does not appear to have had the slightest influence on the division. It is the boast of British senatorial operation that the highest eloquence scarcely ever commands a single vote, since the resolutions of legislators are founded on deeper and more

permanent influences. And this cautious, unimpulsive spirit, has been at least as conspicuous in Scotland as in England. Like many another parliamentary achievement, the great speech of Lord Belhaven was addressed to the country. The body who immediately received it were indeed rather inclined to ridicule than to feel it, and there was much laughter and cheering when Lord Marchmont stood up, and, in apt allusion to the peculiar form in which Belhaven clothed his predictions, said they had heard a long speech, and a very terrible one; but he thought a short answer would suffice, and it might be given in these words, "Behold he dreamed—but, lo, when he awoke, behold it was a dream."

When the vote was taken, there were one hundred and sixteen in favour of the article; eighty-three against it. The Squadrone, or new party, had declared their intention, and thrown their weight into the side of the Union. Unless it could be affected by external circumstances, of which undoubtedly there was much risk, the measure might now, though those immediately interested in its progress had nervous apprehensions, be considered safe, so far as the Scottish Parliament was concerned. The great preponderance of the majority was in the peerage, and the same peculiarity marked the subsequent divisions. The barons, or county representatives, were thirty-seven to thirty-three; the representatives of the burrows, thirty-three to twenty-nine; so that there was at least a majority in each Estate,—a matter of moment on so vital a question as this, since we have seen that it has sometimes been questioned whether a measure could be constitutionally adopted in the Scottish Parliament against a majority of any one Estate.*

* Defoe, with the solemn garrulity to which he is sometimes addicted, has a series of imposing and appropriate reflections on the day of this propitious division—4th November—being the anniversary of two other propitious events—the birth of William III., and his arrival in England. Had the

After this great contest, both parties took breath, and ten days elapsed in the transaction of miscellaneous business, ere a division was taken on the second article. Here the opposition fought more for delay than a parliamentary defeat of the measure; but the government had the same motives for pushing onwards; and like men who, while conveying precious stores, may possibly be overtaken on their route by enemies or robbers, they hastened on, and used their powerful working majority to suppress all unnecessary postponements.

Before the end of November, the House had conquered the main difficulty in settling the great fundamental principles of the Incorporating Union and the Succession to the Crown. When they entered on matters of fiscal and commercial detail, the proceedings sometimes took a shape gratifying to the lovers of national independence. The main points once carried, the government could in some measure conciliate, by tolerating proposed amendments and occasionally permitting them to be carried, so that the Parliament of Scotland could not be charged with slavishly recording the terms dictated by the English commissioners. Thus the fifth article was so amended as to secure the privilege of the navigation laws more fully to those vessels which the Scottish shipowners, in the deficiency of building-yards at home, had purchased abroad. A considerable addition, deemed of great importance at the time by the agricultural party, was made to the sixth article. Its object was to extend the bounties and protection on cereal produce, to that which in Scotland was the most important, but which, in England, had been passed as unworthy of notice, oats and oatmeal.*

debate been protracted till next day, he might have had to connect it with the still more marked anniversary of the Gunpowder Plot.

* In connection with the supposition that the Treaty of Union was an unalterable and unassailable bargain, ever to be held sacred, whatever bene-

Some of the English commercial prohibitions appeared to be formidable stumbling-blocks; and, indeed, when one looks at the accumulation of portentous interference which the English law had established by a series of statutes, each outbidding its predecessor in a stringency and cruelty excited by the impossibility of accomplishing what was desired, it seems wonderful that the treaty was brought safely through so perilous a mass. The exportation of wool from England was a crime, at one time punishable with death. It was said that when the two nations were made one, English wool, by its excellence, would drive that of Scotland, which embraced a large gentry and peasant interest, out of use. It was urged that the Scottish wool should therefore be rendered exportable to be profitable; but there were strong reasons of expediency against such an arrangement, and, among others, it would necessitate a complex fiscal and coast-guard system to prevent English wool from being removed to Scotland, and thence exported as Scottish produce. Of this, as of other difficulties, the great solvent was money, and an arrangement was proposed, and afterwards, with the other new clauses, assented to, appointing a fund to be devoted to the encouragement of manufactures from Scottish wool.

On the 7th article, relating to excise duties, one of those practical debates occurred which are so perplexing, as, from some perverse fatality, the disputants never manage to get hold of what logicians call the contradictory formula, or meet each other on the same facts.

fits might accrue from an alteration, it is curious to notice the concluding part of this amendment so strongly urged on the part of the Scots, "In respect the importation of victual into Scotland from any place beyond sea would prove a discouragement to tillage,—therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain for discouraging the importation of the said victual from beyond sea."

The main question was the duty on beer or ale, the home-made liquor of the people. In Scotland, this liquor, after paying small local dues, which procured for it the national name of "tippenny," was retailed at about the rate of a penny per English quart. It was not so potent a liquor as the English stout, or the Edinburgh ale of later days, but it was stronger than table beer. The English ale paid an excise duty of 4s. 9d. per barrel. It was proposed to make the excise duties the same in both countries. The source of the inextricable dispute, which not only occupied much parliamentary time, but filled several pamphlets, was, that while one party maintained that the weak Scots tippenny was to be taxed at the same rate as the English ale, the other held that, being an inferior commodity, it was only to be rated with English small-beer, which paid 1s. 3d. per barrel. In the one case, the Scots liquor was to be enormously enhanced in taxation—in the other, to be greatly relieved. When the House came to examine the matter in a small committee, however, it simplified itself. They found that there were two very distinct grades of malt liquor in England, the one ranked by excise law at 18s. per barrel, and paying the 4s. 9d. duty; the other ranked at 6s. per barrel, and paying 1s. 3d. The Scottish liquor was of a kind between the two. The problem was, how it should be taxed, and an adjustment was adopted, which Defoe takes credit for having discovered. Subsequent political events, connected with the excise laws, deprived this affair of permanent importance; but it was a matter of great moment at the time, from the intense discussion it excited, and also because the seventh article of the treaty formed an addition to the instances in which the Scottish Parliament had taken the liberty of altering the terms of the treaty as they had been adjusted by the commissioners.

In the course of these labours in the department of

practical detail, the attention of the House was directed to formidable occurrences outside. Queensberry, the commissioner, showed by his coolness, temper, and courage, that he had been well selected for his high and arduous function. His position had many anxieties and perils to balance its eminence. If the parties who desired national separation and war triumphed, the leader of the project, which was stigmatised as a betrayal of the country to its enemy, would probably be sacrificed. But besides these risks from defeat, he was favoured with many rumours and revelations about projects for his assassination; and from one quarter received detailed information how twenty-four young patriots had sworn, by signatures written with blood, to put the traitor-tyrant to death.* Another outbreak took place in the streets of Edinburgh—stones were thrown in abundance—obnoxious statesmen made a narrow escape from serious injury—and again those who had been so industriously exciting to resistance, appealed to the disturbance as a national protestation.

It was, however, from the west that mischief was chiefly apprehended. Two sources of danger, of contrary character, had there a sinister juxtaposition, in

* See the letter at full length in the Appendix to Defoe (p. 669): "Some of them are to be cloathed in the Highland dress; one in the habit of a beggar, with a false beard; six of them are to be in the habit of baxters, that by this means they may, with the more ease, raise the rabble; one of those in Highland dress is to stand on your left hand as you come out of the Parliament House, with a naked dirk beneath his plaid, to stab your grace; but, if he has no opportunity for action, then the beggar is to attend your coach with a pistol, beneath his rags, which he is to fire at your grace, at which the baxters are to raise the rabble with their cries, which they think will soon be done; then lest your grace should escape with life, they are to take care to get the Nether-bow Port closed in spite of the guards." This project, it must be observed, seems more dramatic than practical. What reason could the assassins have for accoutering themselves as Highlanders? They were at that time marked men in the Lowland towns, not so common as Scott's novels have made them in later times, and certainly not so innocent or unsuspected of mischief.

the fanatic Covenanters of the south and the untamed Celts of the north. In Glasgow, which might be called their point of junction, urgent application was made to the magistrates, to send a city address against the Union. The unusual combination of parties to this recommendation—Jacobite Papists uniting with austere Cameronians—was calculated to create suspicion and wonder, and the civic authorities deemed it the better policy not to move on the occasion. This occurred on the eve of the national fast already mentioned; and a zealous clergyman entering the pulpit on that day, in the spirit of the old field preachers, uttered an exciting exhortation on the dangers of the land, and the lukewarmness of the chosen people, concluding with the words, "Wherefore, up and be valiant for the city of our God." The day of fasting and humiliation was succeeded by a popular restlessness, which at last broke out in violence. On the 7th of November the provost's house was attacked and gutted. It was the object of the rabble to compel that magistrate to sanction a city address against the Union, but he was not to be found, having, after a practice to which civic functionaries are addicted, retired to a place of safety at the moment when a magistrate's services were most needed. The address, though it lost the distinction thus desired for it, was prepared and signed by the Deacons, or those who specially represented the tradesmen in the old Scottish corporations. Matters again lulled down for some days, and the provost returned to the honours of his post, deeming the dangers over; but there was a restlessness in the public mind likely to break out on the first disturbing incident. Some dispute arose about the committal of an ordinary criminal to the city prison, which immediately spread into a fierce riot. The mob became masters of the streets, parading about in search of unpopular characters. The provost, taken by surprise, and unable to

find a securer retreat, was obliged to hide himself in a private house, where he narrowly escaped capture.* The rioters were for some days masters of the city; but the history of the affair, so far as it can be gathered from conflicting accounts, is rather that of the incompetence of the guardians of order, than of the power and ferocity of the mob, who contented themselves with much noisy parade and some malicious destruction, but drew no blood.†

The crowd had got possession of a considerable quantity of old arms; and a portion, according to the use of mobs thus fortunate, thought fit to improvise themselves into an army, and march forth on a campaign. Between forty and fifty, supposed to be all hot Covenanters save their leader, Finlay, who is set down as a veteran Jacobite, went forth on a march towards Kilsyth. This movement carried off, for a time, the most energetic and active portion of the rioters. Finding neither enemies nor adherents, they asked each other for what purpose they had come forth; and, feeling the listlessness which, after the first pulse of excitement, overtakes men who have

* Defoe gives a ludicrously solemn account of the affair, and somewhat gratuitously infers, that if the provost had been caught he would have been murdered. "They searched every apartment to the top of the stair, and came into the very room where he was. But the same Hand that smote the men of Sodom with blindness when they would have rabbled the angels, protected him from this many-headed monster, and so blinded them that they could not find him. It is the opinion of many of the soberest and most judicious of the citizens, that if they had found him, their fury was so past all government, that they would have murdered him, and that in a manner barbarous enough; and if they had, as we say of a bull-dog, once but tasted blood, who knows where they would have ended? The provost was hid in a bed, which folded up against the wall, and which they never thought of taking down. Having escaped this imminent danger, he was conveyed out of town the next day by his friends, and went for the second time to Edinburgh."—p. 272.

† Defoe is obliged to conclude an elaborate effort to describe the horrors of this outbreak with the remark—"In short, except that there was no blood shed, they acted the exact part of an enraged, ungoverned multitude."—p. 277.

been some days wandering without a motive, they slunk back to their homes, and deposited their arms with any one who would readily receive them. They had disbanded just in time to escape active duty; for a party of horse, two hundred strong, was despatched westward to put down what had the outward form, at least, of an insurrection. A detachment of twenty-five entered and overawed the insurrectionary city, taking prisoner Finlay and one of his prominent supporters, who were conveyed to Edinburgh. A few more ringleaders were subsequently taken, and the outbreak almost insensibly died away.

But it was not in the miscellaneous and divided rabble of Glasgow that the danger lay, but in their united and zealous neighbours farther south. The government, seeing danger in the periodical musterings and trainings appointed by the Act of Security, carried a measure suspending its operation during the existing Parliament. But the Cameronians of the western counties, whose combined spirit of military ardour and religious enthusiasm we have already seen, instinctively adopted this opportunity of strengthening their already effective organisation. They protested against every government but God's government, by which they meant their own. Though their views partook of republicanism and popular regulation, yet they transacted business with the secrecy, despatch, and uniformity of a despotism; for, as is often seen in such bodies, isolated in their own peculiar opinions and surrounded by opponents, all difference of opinion was suppressed as treachery. They were like an army in an enemy's country, to whom division is destruction, and whose elected or incidental leaders exercise over them a despotic sway. Thus compact and organised, they were prepared, with all the fatalism of the Turk, to go straight to battle without misgiving or inquiry about results—careless, since they

were led by divine impulse, of the numbers whom they encountered, and ready to die without a murmur when it was not their predestined fate to be victorious.*

On the 20th of November a body of horsemen from the surrounding country dashed into the town of Dumfries, and forming themselves in the market-place, made a fire in which they burned the articles of the treaty, and the names of the Scottish commissioners, leaving a document attached to the cross, in which, in spirited and popular language, they maintained that the people were not bound by the acts of the Commissioners and the Parliament, but were under solemn obligation to discard

* Their leader, Ker of Kersland, who saw their peculiarities with the distinctness of one who was among but not of them, gives this interesting notice of their condition at this time:—"The Cameronians are strictly religious, and ever act upon that principle, making the war a part of their religion, and converting state policy into points of conscience. They fight as they pray, and pray as they fight, making every battle a new exercise of their faith, and believe that in such a case they are, as it were, under the banner of Christ. If they fall in battle, they die in their calling, as martyrs to the good cause, and believe that, in thus shedding their blood, they finish the work of their salvation. From such maxims and articles of faith, the Cameronians may be slain—never conquered. Great numbers of them have lost their lives, but few or none ever yielded. On the contrary, whenever they believe their duty or religion calls them to it, they are always unanimous and ready, with undaunted spirits and great vivacity of mind, to encounter hardships, attempt great enterprises, despise danger, and bravely rush on to death or victory. . . . . They are governed by a general quarterly meeting, composed of two commissioners deputed by each town where they live; and whatever is concluded at this meeting is a general rule to the whole. They are closer in their deliberations than the other parties are; for whatever comes before them is disputed and concluded without the least danger of being exposed, and whatever is so resolved is accordingly executed with the profoundest secrecy and expedition. For the Cameronians are always ready, under their proper officers, well appointed, and, when it is found at their general meeting to be their duty, can assemble upon the least notice given them, so that, though they be the fewest in number, yet they are in effect the most considerable of the three, for the commonalty of the Presbyterians, who have a wonderful opinion of their piety and virtue, always readily join with them in anything that concerns the public, which the Cameronians encourage and allow, but do not permit them to be members of their societies, or to bear any part in the conduct of their affairs."—*Memoirs of John Ker*, i., 12–15.

their betrayers, and stand by the old national independence. There was an order and systematic calmness in the proceeding, much more alarming than the turbulence of the street rabble in Edinburgh and Glasgow. It is believed that not above two hundred horsemen were present, but rumour magnified them into an army of several thousands. They kept their own counsel, and though they are generally set down as Cameronians, it is not certain that they belonged to that body; and the declaration affixed to the cross was not in the usual scriptural phraseology of the Hill-men.

Some of the bold schemers of the day had arranged a plan for bringing these Cameronians and the Highlanders to act in concert. A fit man to lead the fanatics was found in Cunninghame of Ecket, who had held the command of a regiment, and had heavy grievances against the government for disbanding it, and leaving arrears of pay unsettled. He was to embody his Covenanting army at Sanquhar, on the Nith, and at the same moment the Duke of Athole was to assemble the Jacobite Highlanders above the passes. The two armies were to march north and south until they met, and then, with brotherly harmony, were to wheel round eastward to Edinburgh, and disperse the Parliament. However well the Cameronians were in use to guard their secrets, yet there was more than one traitor in their councils on this occasion. Hepburn, their clerical leader, appears to have systematically betrayed their proceedings to the government, while counselling and encouraging them. With a bold ingenuity, acquired in his casuistic studies, he justified his conduct on account of the importance of its consequences to the peace and stability of the country. Cunninghame, the military leader, did not escape suspicion of treachery. Another of their trusted advisers, Ker of Kersland, made the manner in which he deceived them the ground-work of an amusing narrative, which

reminds one of Le Sage.* Mr Ker had married the heiress of the Craufurds of Kersland, a family which, in the previous two generations, had been leaders of the wild Covenanters in their hour of peril. According to that hereditary feeling so predominant through all Scotland, the leadership was held to descend on him with the other family honours and possessions; but he had imbibed a very different spirit from that of the single-minded zealots of the days of persecution.† Aware of the influential position which Ker occupied, the Duke of Queensberry sent for him, and represented to him that if he would serve the government on this trying occasion, he would achieve a great object, not unworthy, of course, of those rewards which achievements in statesmanship reap. He seems to have yielded to these blandishments without the slightest struggle. He promised to keep counsel—to help and urge on the proceedings of his friends—and to inform the government, from time to time, of their secret movements and intentions. They might be permitted to burn down a few houses, or commit some other secondary outrages; but they were to go no formidable

* Memoirs of John Ker, of Kersland, in North Britain, Esq., containing his secret Transactions and Negotiations in Scotland, England, the Courts of Vienna, Hanover, and other foreign parts. Published by himself. 2 vols., 1726. Quoted above, p. 461.

† A local genealogical writer shows that the worldly fortunes of this perfidious man were not prosperous, and that he brought little honour of any kind to the zealous family with which he was united. In his absence his wife, Lady Kersland, "being in great need, was obliged to impignorate the plate and furniture of Kersland, to those friends who would support her. I have seen a regular deed of impignoration of the silver spoons, knives, and forks, to Robert Montgomery of Bogston, in 1722, for 100 merks Scots; and in another deed, I notice that the whole household furniture at Kersland, and among other articles, 'two virginals, a viol de gambo, house-clock,' etc., were assigned over in security of 2,000 merks. John Ker died in 1726, and was buried in St George's Churchyard, Southwark." This writer mentions that title-deeds were discovered in his repositories tending to vest part of the estate in his widow, and exempt it from his own debts; but the documents were found to be forged.—*Robertson's Ayrshire Families*, ii., p. 297.

length without the government having such full notice as might lead to effectual suppression.*

If we may believe the story of the disappointed Jacobites, the Cameronians were ready to march towards Hamilton seven thousand men well armed, and the Duke of Atholl had mustered his Highlanders, and was ready to penetrate the pass of Killiecrankie, when the Duke of Hamilton, for selfish reasons of his own, sent rapid messengers to all the commanders and musterers, desiring them to break up their troops and return home. Whoever may have actually stopped the rising, the real secret of its abrupt dissolution was doubtless an unpleasant consciousness dawning on the conspirators, that they were betrayed by some of their own number, if it were

* In his "Memoirs," in which he is happily unconscious that he describes himself as an eminent rascal, he appears to think a mere understanding that his services were to be considered gratuitous, was too literally followed up, as if it had been no mere sham, but a real disinterested offer on his part. "This rhetoric," he says, "so dexterously urged by the Duke and the late Earl of Stairs, persuaded me to yield, so that I could no longer resist such rhetorical arguments, but desired them to make no promises of the least acknowledgment or reward, it being necessary that I could say to the Cameronians that I had no private worldly interest in view (and truly I obtained my request without any difficulty), but told the Duke I foresaw some danger; for if I proposed to do any effectual service, I must enter into all their measures, and then probably they would honour me with the chief command, and by being at their head in rebellion against the queen and government, I should expose myself to their displeasure, and therefore it would be proper I should have a privy seal, authorising me to act as I found convenient—which I had accordingly some time after."

This confession was made under a strong practical feeling of the vanity of human ambitious aspirations, as this curious and candid statement immediately following it reveals:—"It was then I embarked so heartily in those measures which afterwards gave me so much sorrow,—although I declare solemnly, that instead of any mischief in view at that time, I had rather the misfortune to believe that I was doing good service to my own country and the protestant interest, and desire the reader seriously to consider how far a furious zeal may carry one, even to act things contrary to conscience, honour, interest, and everything that is dear to a true patriot and a true Christian,—which I wish to God had not been my case."—P. 31.

The reader of Ker's volumes can scarce help thinking that he strives to make himself worse than he was, since, whether he may have been the knave

not an instinctive feeling arising in the minds of the Cameronians that they were to be made the tools of others, and fight in the wrong camp. The government, acquainted with every step that had been taken, was prepared to meet such an open insurrection with troops from England. But a rising so suppressed was not an event to be courted at such a perilous juncture of affairs; and it is likely that they helped the conspirators to find out that they were entrapped, and did not too carefully conceal the preparations for defence.

The next movement against the measure was less daring and dangerous, but, had it been well managed, offered a better prospect of success. It was proposed that the country gentlemen of the opposition—and they

he represents, it is difficult to believe that the Cameronians were the corresponding fools. Mentioning the affectionate kindness with which they listened to his views, as the representative of their old leader, he complacently tells the world—"I pretended—and would to God I had dealt more sincerely—to join with them in all their measures, and offered to fortify their resolutions with some arguments of my own." Turning over the page, the first sentence likely to meet the eye is—"The Cameronians, as I expected, reposed more confidence in me than I deserved, which will appear but too plainly in the following sheets. Whereupon I despatched an express to the Duke of Queensberry, and told him," etc. Subsequently he mentions a meeting with some Jacobites in Lady Murray's garden—the open ground behind Moray House in the Canongate, then the fashionable lounging-place of Edinburgh. He was told that it was in his power to be a very considerable man, and have what terms he pleased, if he would aid the project of a French invasion. He answered that he would think of it. "Whereupon," he continues, "I forthwith went to the Duke of Queensberry and told him, but concealed the gentlemen's names. The Duke was much surprised when he understood a French power was to land in Scotland, and desired me to go into their measures, in order to discover the plot. I told him I was afraid I had gone through too much dirty work already, which I could neither answer to God nor man for." He thought it was useless, however, to scruple at what remained. Queensberry's surprise must have been hypocritical. There was so keen a competition in treachery among the Covenanter-Jacobites, that he had doubtless been repeatedly told of the project by more active spies. One almost feels for Ker, when, after detailing these symptoms of moral disease, he says—"The Duke and the other great men went to London, and I retired to Kersland, to breathe some honest air in the country." —i. 33-45.

were certainly a numerous body—should assemble in Edinburgh, and present, in solemn procession, an address to the High Commissioner in Parliament, praying that the measure, so offensive to them, might be abandoned —at least until a new Parliament could assemble. The circular letters requiring their presence, said to have been suggested by the old Duchess of Hamilton, were transmitted with secrecy, and those to whom they were sent began to pour in a quietly increasing stream into the metropolis. The government, ever on the alert for dangerous symptoms, noticed with uneasiness the unusual number of country gentlemen frequenting the streets of Edinburgh. As they were nearly to a man Jacobites, it was probably expected that they wished to accomplish more than the mere presentation of the address; and doubtless those who brought them together thought it not unlikely that accident might open to them a more adventurous field of exertion. But internal difficulties interrupted the address. The Fletcher and Belhaven party, who had been active in bringing up the assemblage, were not to be committed to the Pretender, and the Jacobite lairds would not give their adherence to a parliamentary succession. Thus there arose a division, which the mortified Jacobites charged the Duke of Hamilton with fostering for the sake of his own peculiar and inscrutable ends. A proclamation was issued against assemblages of persons for the purpose of passing addresses. The Jacobite lairds, whether intimidated by this or not, at least grew tired of doing nothing, and gradually dropped back to their estates, to brood over the ruin of their country and cause in moody silence.

In the meantime, and while the articles of the Union were rapidly discussed and passed, the desire of the Commission of the Assembly, that Parliament should provide for the security of the church, was considered. The ingenuity of statesmen was taxed to give the

measure as many holds on permanency as words and ceremonies could communicate to it, and at length the method adopted for affording it peculiar prominence and firmness was this. It was passed as a separate act before the act adopting the treaty. There was a stipulation that it should be repeated as a part of any act adopting the treaty, both in Scotland and in England, and so it accordingly came to be. It provided that the Presbyterian Church government, as it had been established by various acts of Parliament, with its Confession of Faith, its discipline, and ecclesiastical judicatories, should remain for ever unalterable, and be "the only government of the church within the kingdom of Scotland." It provided that every sovereign of Britain, at the accession, should take an oath to protect "the government, worship, discipline, rights, and privileges" of the Church.* The act appointed, by a provision which has given rise to much discussion, that no person should be a professor in any of the Scottish universities, or a teacher in any school, unless he subscribed the Confession of Faith as the confession of his faith, and obliged himself in the presence of the presbytery to conform to the discipline and worship of the Church of Scotland. To understand the object of this provision, which established a test of belief and conformity, instead of the mere assent and acknowledgment required by the previous act, it may be well to look at the avowed views of its promoters.† The risk that the church of the minority might be conquered and put in bondage by that of the majority, was ever present, dis-

* This oath is still peculiar, in being taken at the accession, while the other oaths are taken at the coronation. The maxim, that the sovereign never dies, had grown out of the principles of divine right, propagated in the seventeenth century; and perhaps it was not then known that the practice of taking the oaths at the coronation, instead of the accession, was a relic of the old doctrine, that the reign of a monarch only began with his coronation.

† See the qualification of professors, etc., as adjusted by the Revolution Settlement, above, p. 221.

turbing the minds of the honest supporters of the Presbyterian Church of Scotland—nor can they be justly blamed for having felt some anxiety on the matter. The great object of their stipulations, was to make barriers which the Church of England could not get over. Wherever there appeared, therefore, a power of hostile organisation in the hands of that church, it behoved that a like force should be set against it on the part of Scotland. It was stated in the debates, and dwelt on with much jealousy and alarm, that in England it was a necessary qualification for office, that the holder should have taken the sacrament according to the Church of England,—so it had been appointed by the renowned Test Act; and farther still, a party, likely soon to be predominant, were not content with the symbol of homage to the English Church, but demanded unceasing membership and conformity as a qualification for retaining office. When Scotland was governed by a legislature mainly consisting of the persons who had passed, and who were trying to render more rigorous, the Church of England test, was it not possible that some day, in their wanton strength, they might pass an act extending it to Scotland? It appeared, then, that the most effective method of meeting such an invasion, at least in the vital spot of the educational institutions, was to set down a counter-test, instead of leaving the ground neutral and unfortified. Thus, it was not from the essential utility of tests in themselves, that this provision was adopted, but as a protection from the antagonist tests of England, of which Scotland now runs no more risk than of the restoration of the Claim of Homage. To show this to have been the object, the injunction of the test is immediately followed by a clause declaring that none of the subjects of the kingdom shall be liable to any other and adverse tests.*

* "And further, her majesty, with advice aforesaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all

Before the debate on the act came to an end, an effort was made to extend the system of tests to all offices of trust in Scotland, so long as the Test Act continued in operation in England. In this extended form, it was not to involve a belief in Presbyterianism, but it contained a solemn engagement to own and support the Presbyterian Church. The proposal was, however, negatived. The government did not desire to extend the influence of presbyterian tests. The Jacobite opposition, even to damage the treaty, were afraid to support a proposal which, if carried out in its sincerity, would exclude themselves from civil office.·· The proposed test was thus allowed to drop, but many of the Jacobites supported the securities, so far as they affected the church and universities.

To the surprise of the zealous Presbyterians, they thus found the most stringent parts of the Act of Security very acceptable to those members with whom they had least in common; and it was not unreasonably argued, that the Jacobites gave it their good-will, in the belief that it would give mortal offence to the English High Churchmen, and rouse them to the defeat of the measure. If they were actuated, as Defoe and others hint, by such a motive, they had failed to calculate on the Low Church predominance which King William had infused into the more influential part of the church. It might be hard, it is true, for bishops to accept of, and pass legislatively through their own House, a measure speaking of Presbyterianism as the true Protestant religion. But the measure contained a balancing clause, consenting that the Parliament of England might provide as it thought

and every one of them for ever free of any oath, text, or subscription, within this kingdom, contrary to, or inconsistent with, the foresaid true protestant religion and presbyterian church government, worship, and discipline, as above established; and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them, in any sort."

fit for the security of the English Church within their own country, and so qualified the declaration of the truth of Presbyterianism in Scotland, as to make it seem not exclusive of the truth of any other form in England. The Church of Scotland grumbled gently against this latitudinarianism and abandonment of the testimony against Prelacy; but it did so as a mere matter of form and consistency, for the moderate Presbyterians saw more clearly every day, that their hopes of permanent strength lay in the Union being carried.

Meanwhile the articles went through the House, with debates and occasonal divisions, in which the government kept generally the majority with which it started. In the principal divisions, a record of all who voted on either side was preserved and printed,—an unusual practice in the Scottish Parliament, and one which could not fail, on such an occasion, to be assailed with many bitter criticisms. The fifteenth article, adjusting the Equivalent and abolishing the Darien Company with compensation, came up for consideration on the 7th of December. Two mathematical professors had been appointed to examine the calculations on which the equivalent rested, and on their report they were pronounced correct. These pecuniary adjustments, as they have been already examined,* were of a kind on which it was easy to utter flagrant fallacies to excited multitudes; and had the Scottish people been as liable to gregarious hallucinations as the Irish, the scene of Wood's halfpence might have been anticipated in a popular combination against Scotland being subjected to the debts of England. Had there been so dangerous a spirit deeply seated in the people, the Equivalent was a feature tending rather to arouse than to allay the popular jealousy. But the statesmen and politicians who tried the extent of popular credulity were not

* See p. 414.

so successful as they expected, and the national good sense was gradually recovering possession of the popular mind. At the same time, a little incidental matter, with which the opposition expected to work out effects totally disproportioned to its importance, was adroitly taken out of their hands. In the interchange of trade privileges, private rights were to be left entire. Thus, some places had exemptions from taxation, and in both countries it was necessary to respect such exemptions until Parliament should subsequently deal with them. It happened, however, that among English private rights there were certain taxes on commodities passing from Scotland. For instance, the city of Carlisle and the Musgrave family had a right of toll on all cattle passing from Scotland by certain routes. Here was an inconsistency in the interchange of privileges,—small, it is true, but seemingly insuperable, so far as it went, and capable of offensive exaggeration. No sooner, however, had the opposition begun to work it, than the English government stepped in, and procured parliamentary authority for purchasing the privileges.

The liberality with which compensation had been offered by the English for the losses of the Darien Company, had, much to the annoyance of the opposition, swept the debate clear from a very powerful post, which they would have occupied to great effect. The shareholders had appeared to be hopeless losers. They might have calls to pay up, but could expect no returns in the ordinary course of human events, and they were generally ready to part with their shares for trifling sums. Nothing could be better calculated to refresh the drooping hopes of many desponding families, than a payment in full of all their outlay; and though, in numerous instances, the right to the stock had been disposed of by the hard-pressed owners, or had been seized by creditors, many a depressed and fallen house would still be restored

to comfort by the repayment of its losses.* Yet the opposition were determined not to lose the associations of national anger and disquietude which clustered round the mere shadow of the great grievance. It was asserted that the mere repayment of the money lost in the adventure would be no compensation to Scotland for sacrificing the privileges of so great a trading corporation, and virtually conveying them to the English companies, in whose transactions no Scotsmen could participate, since the nominal equality of trade extended to Scotland was a mocking right to participate in what had been already absolutely bestowed on others. However contented the shareholders might be to get back their lost funds, the directors made another choice, taking up the battle against the Union. They stated their views in a memorial at considerable length, which was, of course, warmly backed by the opposition. It was maintained, with much seeming reasonableness, that the company, being private parties, whose interests were affected, should be heard by counsel for their demands. If this point had been conceded, some delay—which was the main object of those who waited daily for news from France—might have been obtained; but the majority, trusting to the

* Defoe says:—"The method proposed appeared so fair, that it left no room for objection, it being a valuation from the true original—viz., that every private adventurer should be put in the same condition as he was in at first, supposing his money put out to interest, so that every man was to receive his full original capital stock which he had at first advanced, and five per cent. interest to the time of payment.

"Nor can I forbear saying, that the surprise of this offer had various effects upon the people; for this stock was a dead-weight upon a great many families, who wanted very much the return of so much money. It had not only been long disbursed, but it was, generally speaking, abandoned to despair, and the money given over for lost. Nay, so entirely had people given up all hopes, that a man might, even after this conclusion of the treaty, have bought the stock at ten pounds for an hundred. And after all this, to find the whole money should come in again, with interest for the time, was a happy surprise to a great many families, and took off the edge of the opposition which some people would otherwise have made to the Union in general."—pp. 179, 180.

soothing effect of the prospective payments, swept through this impediment with rapid ease.*

The uniformity of the coinage afforded some opportunity for recalling nationalities and old traditions of the symbols of independence and freedom. Even that fraction of a farthing which proclaimed the penury of a country which used so minute a token of value, had on its face the symbol of the hardy thistle and its defying motto, and reminded the poorest, of the indomitable spirit of their country. That the old coinage should be at once swept from the familiar gaze of the people, and be replaced by that of their ancient oppressors, was a humiliating reflection; but it did not become those who had been driving their pecuniary bargains pretty hard, and had been altering the treaty in their own favour in substantials, to insist too strongly that the circulating medium, to be supplied chiefly from the generous affluence of England, should bear the image and superscription of an unsocial separate nationality. Whatever might thus be lost in national associations, the utmost care was taken that nothing should be lost in cash. The Scottish merk, which corresponded with the English shilling, was a penny-farthing more valuable. It was easy to withdraw the merk from circulation by paying the premium out of the sum allowed for the equivalent. The operation was self-acting, for people would no longer retain the Scottish merks to circulate as English shillings, when

* The directors had been elating themselves with hopes about the commercial value which their privileges would hold, if they were made a British company by the Union. In a draught of a letter written from the company's office to one of the commissioners, during the treaty, it is said—"As to the company's assigning or transferring their right, in consideration of having the sums advanced by the subscribers repaid again (as the Earl of Stair writes), we know not how we might be censured for making any such bargain (if we had power to do so, as we have not), especially when we know that, some years ago, a particular set of merchants in London declared that they would give a million sterling to have an unquestioned right to our company's privileges."—*Darien Papers.*

by restoring them to the mint they could obtain a premium exceeding ten per cent.*

The clauses which next came on for discussion chiefly related to the internal administration of justice in Scotland. This part of the progress of the measure scarcely belongs to its history as a treaty. The English had agreed that Scotland should retain her law and judicial establishments; and any stipulations for special conditions in this department were only a seizing of the op-

* There was a little incidental matter, however, which presented some difficulty. The Scottish coinage had grown scarce, and a small quantity of English silver coinage had come into the country as a substitute for it, and had been, by assent, received as of the same value. Thus, in the scarcity of merks, English shillings, though less valuable, were used for them. It was said to be a hardship that the holders of any of this English money, when the Scots coinage it represented was called in, should hold it no longer at the fictitious value which had been conferred on it, but at its intrinsic value as part of the new coinage. And yet it was difficult to meet this case, for, if it were known that the premium would be given on English coin for its conventional value, as well as on the Scottish coin for its real, there would be a sudden flow of English coin to Scotland. The plan taken was, that by an unpremeditated proclamation, the holders of English coin might present it at a fixed day, and between certain hours, at a change table in Edinburgh, Glasgow, or Aberdeen, where it was to remain in sealed bags until the time for presentation ceased. This precaution was taken to prevent the same money from drawing the premium more than once. The amount of English silver coin in the country was greater than it is easy to account for. No less than forty thousand pounds worth was brought to draw the premium. And when it is remembered that only those who had considerable sums in their possession would think it worth while to make the application, there is some ground for a suspicion, countenanced at the time, that in spite of the cautiousness and rapidity with which the operation was conducted, English money had been sucked into the country by the prospect of the premium. The mere amount of itself would not be remarkable, were it not that it was used at a nominal value. Of foreign coin, which had to be commuted at its own value, the amount brought to the mint was L.13,280. The whole amount brought in was L.411,117 sterling. It was deemed unnecessary to call in the coin in gold, as this metal carries its own value with it wherever it is used. There are no data for precisely finding the value of gold in circulation, but it has been inferred to be as great as the quantity of silver commuted. Were this true, making an allowance for a margin of silver going astray into remote local circulation in minute quantities, and not brought in, the whole metallic circulation of Scotland at the time of the Union, would approach a million.—See *Ruddiman's Introduction to Anderson's Diplomata. Short Account of Scottish Money and Coins.* Edinburgh, 1817.

portunity for legislating on matters which had not been provided for by previous statutes in Scotland. It was reasonable that before being committed to the custody of a joint Parliament, the nature and details of the laws and judicature should receive a more specific legislative definition than they would require when left in the hands of a home legislature. Hence some additions were made to the treaty, embracing matters which, it was natural to suppose, had been already fixed by law,* and they were received by the English Parliament as the authoritative announcement of the constitution of the Scottish judicial system.

It was subsequently discovered that one unhappy word, introduced and carried in the haste and confusion of discussing the concluding articles, wrought more mischief than many of those more conspicuous clauses from which great national calamities were apprehended. When the twentieth article, for the preservation of heritable offices and jurisdictions, came on, it was proposed to add the word "superiorities." The proposal seemed reasonable, and was adopted without hesitation. It involved no alteration of the existing law, which sanctioned the territorial right to exact suit and service from the vassal. The time was approaching, however, when the country was outgrowing in civilisation the feudal rule of the fifteenth century, which scattered the population into little groups, subject to the military leadership of the owners of the soil. In the two subsequent rebellions, the country felt the bitter influence of preserving this barbarous relic within the constitution. Had the word "superiorities" not occurred in the act, the feudal sys-

* There was, for instance, a long debate and several divisions on the question, Whether writers to the signet should be eligible to the bench, and on what terms? It was carried as an alteration of the treaty, that they should be eligible after ten years' practice. Yet no writer to the signet has, since the Union, taken a seat on the bench, except Hamilton of Pencaitland, elevated in 1712.

tem, as it existed in Scotland before the Union, would, of course, have remained with the other laws of the nation. But its special incorporation in the act made it seem no longer a law remediable by the legislature, whenever a reason appeared for its amendment, but a personal stipulation which could not be altered without breach of faith.*

The twenty-second article, limiting and adjusting the Scottish share in the imperial legislature, again ranged the champions on either side in pitched battle. The debate raged in various forms, for as each point was carried, violent and menacing protests were entered against it; and again the storm of words arose about the fitness of these documents to appear as part of the records of Parliament, while the one side spoke of factious and treasonable interruption, the other retaliating about tyranny, corruption, and attempts to suppress the freedom of parliamentary discussion. This debate was, however, more loud than formidable. It took place under circumstances extremely discouraging to the opposition. They had resolved, on this occasion, to make one last and desperate effort to defeat the Union, by breaking up the legislature, and abiding the consequences of a civil war; but the leadership on which they relied failed them, and, compelled to abandon the simultaneous charge, each combatant was left to fight his hopeless battle single-handed. This incident requires to be separately related.

* Defoe, in allusion to the careless haste with which this brief but important alteration was made, says—"This was a time of hurry, and people could not look about them as at other times. Nor was the liberty of the poor people so near in view as to move that concern in men's minds, which, perhaps, were it now to be done, might be otherwise." The Scottish Parliament had not followed the valuable practice adopted in England, by which details were carried in committee, and brought up for legislative sanction in a report. There was no opportunity for reconsidering a hasty vote, unless on the general question, whether the whole act, as altered, should pass.

About the end of the first week of January, the opposition leaders remarked to each other that the measure was passing rapidly, that it was near a conclusion, and that hitherto all their projects for its destruction, or even its postponement, had been futile. It was now time—if ever—to do something decisive. Hitherto, indeed, postponement would have served the purpose, at least of the Jacobite party. They were like Bluebeard's wife, with her cry of "Sister Anne, sister Anne, do you see anybody coming?" ever looking out for assistance from France. But there was no prospect of a rescue; and if they could not strike an effective blow, a few days would see the last and hardest labours of Scotland's legislature ended. A plan of operations was devised in conclave in the Duke of Hamilton's house. When the Estates came to adjust the representation of Scotland in the new Parliament, a solemn protest was to be taken against their power to dispose of the country for which they legislated, and the opposition were, in great form, to secede from the House as from a body occupied in an illegal and unconstitutional act. It is nowhere expressed, but it was understood, that the seceding body would form a nucleus for the country to rally round, and the authors of the project certainly contemplated civil war. The protest, though it was never used, has been preserved, and testifies to the ability of its unknown author.*

* See it in the "Lockhart Papers," i. 207. Lockhart says—"I was informed, but I can't affirm it as a truth, that it was drawn by Sir James Stewart, the Queen's Advocate, who, though he could not be persuaded to speak and declare his mind against the Union in Parliament, yet was heartily averse to it." We have seen, from another source, that he was suspected of aversion to the measure; but that the legal adviser of the crown should have prepared a denunciation of the government and its measures, is a piece of perfidy which would require better evidence than Lockhart's suspicions to entitle it to be entertained. Sir James Stewart of Goodtrees—or, as it was pronounced, Gutters—was a stout Presbyterian, and cordially hated by the Jacobites, many of whom had abundant reason to fear that he might be too

Every political project, however excellent, is but a balance of advantages over objections, and much may be accomplished by the plausibility and force with which the latter are set forth. The protest to be delivered by the secession caught the objections to the Union, and developed them with great power. A legislative body are not the owners or masters of a people. They are not entitled to bargain away the nation they represent, or make it cease to exist. They arise out of national conditions, and hold their power subject to those conditions. To say that the supreme legislature, which has existed from time immemorial, and of which they are the mere temporary administrators, shall no longer exist, is to undermine their own authority for acting as legislators. The people who have consented to accept their legitimate acts in a representative legislature, are not bound to stand by while they destroy that legislature, and cannot vicariously be handed over to the government and constitution of another nation. Such were the principles solemnly set forth throughout this document, in the stiff phraseology of the state-papers of the day. It concluded with a declaration, calmly expressed, but carrying the formidable inference, that the secession would consider themselves the centre of a new Scottish Parliament.*

The cause of the failure of this scheme must be given as it is told by one of its most zealous and most severely mortified concoctors. It was understood on all hands,

well acquainted, in his official capacity, with their correspondence. He was the author of a professional work, with the uninviting title, "Dirleton's Doubts and Questions in the Law of Scotland Resolved and Answered."

* "That if any person or persons whatsoever of our fellow-subjects, of whatsoever degree, rank, or estate, under any pretext whatsoever, or by any manner or means, endeavour to dismember or withdraw themselves from us, and go into any other constitution of their own invention, inconsistent with, or destructive to, and subversive of, our present fundamental constitution, we do look upon them as breakers of our indissolveable fundamental society, against which we cannot nor ought not to transgress; and that it shall be lawful for us, by all legal and lawful means, in parliaments, conventions, and

that the Duke of Hamilton was to present it as his protest, and that the opposition, in general, were to follow as adherents. The stroke to be played was announced. The government were fortifying themselves for a shock—the opposition looked defiance—the passage to the Parliament House was thronged with an expectant crowd. The Duke of Hamilton, however, did not appear. When inquiry was made for him, the answer was, that his grace had a toothache, and did not intend to go to the House. Political partisans are not accustomed to take such flimsy apologies from those who lead them to political extinction or victory. His presence was demanded in a manner not to be trifled with, and he entered the House. There, with the utmost innocence, he asked the gentlemen of the opposition, whom they had appointed to table the protest?—*he* had no intention of doing so, but he would be the first to offer his adherence. The opposition were struck nerveless; they felt that, according to a term taken from other pursuits, but sometimes applied to such political feats, they had been "sold;" and, after an unorganised debate of personal conflicts, they sank into apathy.

Such is the account which the Jacobite narrator gives of the Duke's third betrayal of his friends. His conduct, certainly, was curiously equivocal. It was impossible, in thinking of it, to forget that if the house of Stewart continued to be abjured, and the Act of Security excluded

meetings of estates, or otherways, as our ancestors in like cases have usually done, to vindicate and assert our ancient rights and liberties, and to support, redintegrate, and certify our said fundamental constitution and indissolveable society, in which we have been united and knit together for so many hundreds of years; and that we will, in the confidence of those our sacred and indissolveable rights, under the blessing and protection of the Divine Vindicator of all rights, maintain, support, and defend the constitution and authority of our parliaments, her majesty's sovereignty and government, and the present settlement, both of church and state, in this nation, according to our claim of right, and other laws following thereupon, against all opposition whatsoever."

the claim of the representative of the Queen of Bohemia, the house of Hamilton might justly claim the crown. So fully was this in the view of the practical statesmen of the day, that it is amply considered by the pamphleteer critics of the Act of Security. A suspicious doubtful policy had appeared to be constitutional to the family, and the bitter fruits it produced in the great civil wars were remembered and discussed. Throughout the transactions of the times, the Duke appears ever to have been nervously reluctant to commit himself on any dangerous ground. The negotiations of Colonel Hooke, the Pretender's envoy, which have to be afterwards noticed, contain a succession of baffled efforts to commit him as a friend or an enemy. When hard pressed for an interview, he is always ill. He answers no letters with his own hand, but is represented by a secretary. Among the documents in which the other Scottish lords and lairds committed themselves to the Stewart cause, his signature is not to be found. People could never get access to him when such a tribute of sincerity was required. Finally, when by a sort of party coercion, he was compelled to give the exiled prince his views of the condition of Scotland, and the prospects of the Stewart cause, careful to have it drawn in the handwriting of his secretary, he speaks so confusedly of himself, in the third person, and so perplexingly shifts his object, and the point of view from which it is seen, that the production betrays extreme stupidity or artificial obscurity. That he was weak and flighty, is on the whole more probable than that he was a deep planner of plots. He had considerable property in England, which, if personal safety did not, might make him hesitate in precipitating a national conflict.*

In fact, it is probable that he was not alone in backing out of the bold protest adopted by his party.

* So numerous and odd are the tortuosities attributed to the Duke of Hamilton of the period, that one can hardly believe them all true. When

The real secret seems to be, that they had no assurance of support from the country. Depending on a French invading force, and depending on the national antipathy to the Union, were two very different things. The antipathy was far from being so strong and fierce as they had tried to make it. It was superficial at first, and it decayed, instead of strengthening, with time and thought. The opposition were afraid to rely on it, for the steady bulk of the people had examined the proposed arrangement with national sense and patience, and were becoming reconciled to their fate with an odious readiness.

Before this twenty-second article of the treaty was passed, it was, among other amendments, put and lost, that the Parliament of Great Britain should meet once each third year in Scotland. The notions then entertained of the immense benefit enjoyed by the portion of a nation where its legislature meets, perhaps made this

there is an eminent jester in any circle, all the jests worth noting in it are attributed to him; and so of one who has acquired any other notoriety, good or bad. If we may believe some contemporary writers, his grace was as machiavellian about Sacheverell as about the Union. His friend and champion, Lockhart of Carnwath, says: "He told me that he was much straitened in this affair, for his inclinations naturally lead him to vote for the doctor; but he was apprehensive it would be inconsistent with good policy, with respect either to public or private views, for he had then a lawsuit of great value depending, and if he voted for the doctor the ministry would be displeased, and certainly interpose to his prejudice; that he had endeavoured all alongst to gain and maintain an interest with the Scots Presbyterians, in hopes of bringing them some time or other into right measures, and should he vote for the doctor they would never forget it nor forgive him." After a narrative of much dubious discussion with his leader, the affair ends thus: "Though I perceived that he was in great perplexity, I could not, even the night immediately preceding the day in which the Lords were to declare their opinions, have any ground to hope his grace would have acted the part which became him; and, in truth, I do believe he was determined to have voted against the doctor; but when it came to the push, he wanted resolution to go through with a design so inconsistent with his former character and principles, so that, when the question was stated, if the doctor was guilty or not guilty, he voted in the negative with a very audible voice."—*Lockhart Papers*, i. p. 314.

seem something like an adjustment of national interests. The proposal was only made apparently as a matter of form, and was not pushed. The advantages of such an arrangement, if there were any, would have fallen to the shopkeepers of Edinburgh. This class undoubtedly suffered by the Union, but it may be questioned if even their loss would have been compensated by the oscillation of a triennial British Parliament in the High Street. The superficial trade created by a demand so capriciously dictated, has its attractions as a species of gambling commerce, but is no element of solid prosperity. This subject in itself would scarcely, perhaps, be worthy of notice, were it not that the empire has so often rung with the wrongs of Ireland in not having an Imperial Parliament occasionally in College Green.* The better sense prevailing among the Scots is shown in this, that the contemporary histories and pamphlets scarcely deem the question of the removal of the legislative expenditure from Scotland worthy of notice, and the proposal for the triennial meeting of Parliament in Edinburgh is only to be found in a brief entry in the minutes.

The abortive manifesto and secession were the last great efforts of the opponents of the Union—a mingled body of independent patriots who wished to verify traditions of national independence, and Jacobites who wished to restore the reign of the Stewarts. They now folded their arms, and submitted to their fate.† In the middle

* Mr Bish, the great lottery agent, used to make an annual motion to address the crown to hold an occasional parliament in Dublin. The desire was characteristic of a mind accustomed to deal with the doctrine of chances, and violent pecuniary revolutions.

† There is an anecdote told on the authority of Lockhart, that Seafield the chancellor, on signing the official exemplification of the act, though the occasion should have been one of peculiar solemnity, using a well-known Scottish simile, said, "And there's an end o' an auld sang." Nothing could be a better indication of the tenacity with which Scotsmen, who had a tinge of Jacobitism, retained, even down to the nineteenth century, prejudices against the Union, than the indignant outbreak of Sir Walter Scott, who,

of January the discussion of the articles, begun on the 12th of October, was concluded, and on the 16th came the last division on the passing of "An Act ratifying and approving the Treaty of Union." It was carried by 110 to 69; "and the act was thereafter touched with the royal sceptre by her Majesty's High Commissioner." *

when repeating this anecdote, calls the allusion "an insult for which he deserved to have been destroyed on the spot by his indignant countrymen."—*Introduction to Provincial Antiquities.*

* This climax had, however, overstretched the powers of one of the most laborious official supporters of the Union—Lord Stair died suddenly from the effects of anxiety and over-exertion, just as the 22d article was carried, and the perils and difficulties were over.

CHAPTER XII.

Examination of the Charges against the Statesmen of the Union—The Sources of the Accusation—The Jacobite Inquiry—The Attack on Marlborough—No ground for the Charge of Corruption in Scotland—Concluding Transactions of the Scottish Parliament—Arrangement of Representation—Preparations for the Treaty in England—Debates—Lord Nottingham—The Bishops and the Scottish Act of Security—Lord Haversham—The Conclusion of the Union—General View of the Historic Character of the Nation thus added to England—Original Unity of England and Scotland—Causes of their Separation—French Influence in Scotland, and its Effects—Acquaintance of the Countries with each other.

It may be well, before we turn to the progress of the measure in England, to examine systematically and impartially the charges of venality brought against the Scottish supporters of the Union, and find what is established, what is unsupported by evidence, and what is disproved. Some writers have scornfully thrown aside these charges, as not fit to be associated with men of honourable name and high station; but the generation which, aware of the venality of Marlborough, lived to see Walpole shielded by the influence of his friends, rather than his spotless character, from a parliamentary inquiry, was not one in which mere character could stand alone and scorn support. Godolphin had the progress of the Union thoroughly at heart. He was free of any suspicion of personal peculation; but he was more unscrupulous even than Walpole in the application of the public money to accomplish the political objects on which he set his heart. A strong suspicion that bribery was at work may be seen to tinge the correspondence of the public men

of the time. Johnston, the ex-Secretary, writing in cypher, intimates his belief that money had been paid, but, as we shall afterwards find, he had apparently made erroneous guesses as to its amount and application.* When apprehensions were expressed in Scotland for the safety of the measure, Godolphin desired that the Scottish ministry "would go on, and not be alarmed at the foolish behaviour of some, who, whatever might be given out in their name, he believed had more wit than to ruin themselves." These were supposed to be the words of one who had secured success by buying up opposition.

The vague ideas thus formed received substantial shape when the bitter Memoirs of Lockhart were prematurely published. In a postscript he stated that, in the course of a financial investigation which he had made in the year 1711, he had discovered the precise sum paid, and the manner of its distribution, and found the whole affair darkened by the fact, that the money for which the traitors sold their country was paid by England. He found the amount to be L.20,540, 17s. 7d.; and he set down the names of the receivers, with the sum appropriated to each.† It will be seen that, deducting the

* His statement, dated 21st September 1706, when the cyphers are interpreted, stands thus:—"Duke Queensberry, till two days before he left this, railed at the Lord Treasurer,—said he was not for the Union, etc., but at last a sum of money quieted him. I believe the sum of money is ten thousand pounds; the thing itself is no secret. The Lord Treasurer told Johnston that money was advanced to the Scottish ministers upon Scotland's revenue, to pay Scotland's debt, particularly to Tweeddale. Your friend asked, Why not Roxburgh? He said he knew nothing of it. And why not Johnston? He laughed, and bid him do for himself."—*Jerviswood Correspondence*, p. 160.

† The account stands thus:—

To the Earl of Marchmont,	L.1104	15	7
" " Earl of Cromarty,	300	0	0
" " Lord Prestonhall,	200	0	0
" " Lord Ormiston, Lord-Justice-Clerk,	200	0	0
" " Duke of Montrose,	200	0	0
Carry forward,	L.2004	15	7

amount applied to the support of the Commissioner's establishment, the sum total for which these statesmen are supposed to have sold their country, is L.8215, 17s. 7d. It has been related, that the Earl of Marchmont had so nicely estimated the value of his conscience, as to give back 5d. in copper, on receiving L.1104, 16s. The price for which the Lord Banff had agreed to dispose of himself was L.11, 2s.—an amount held to be the more singularly moderate, as he had to throw in a change of religion with his side of the bargain, and become a Protestant that he might fulfil it.*

Looking to the supposition that the money was dis-

Brought forward,	L.2004	15	7
To the Duke of Athole,	1000	0	0
„ „ Earl of Balcarras,	500	0	0
„ „ Earl of Dunmore,	200	0	0
„ „ Lord Anstruther,	300	0	0
„ Mr Stewart of Castle-Stewart,	300	0	0
„ the Earl of Eglinton,	200	0	0
„ „ Lord Fraser,	100	0	0
„ „ Lord Cesnock (now Polwarth),	50	0	0
„ Mr John Campbell,	200	0	0
„ the Earl of Forfar,	100	0	0
„ Sir Kenneth Mackenzie,	100	0	0
„ the Earl of Glencairn,	100	0	0
„ „ Earl of Kintore,	200	0	0
„ „ Earl of Findlater,	100	0	0
„ John Muir, provost of Ayr,	100	0	0
„ the Lord Forbes,	50	0	0
„ „ Earl of Seafield, Lord Chancellor,	490	0	0
„ „ Marquis of Tweeddale,	1000	0	0
„ „ Duke of Roxburgh,	500	0	0
„ „ Lord Elibank,	50	0	0
„ „ Lord Banff,	11	2	0
„ Major Cunningham of Ecket,	100	0	0
„ the Messenger that brought down the Treaty of Union,	60	0	0
„ Sir William Sharp,	300	0	0
„ Patrick Coultrain, provost of Wigton,	25	0	0
„ Mr Alexander Wedderburn,	75	0	0
„ the Commissioner, for equipage and daily allowance,	12,325	0	0
	L.20,540	17	7

* In the Minute of Parliament for 3d October 1706, it is stated that the Lord Banff, "who was some time Papist, being now Protestant, and willing to

tributed for the purchase of votes, it will be observed that many of the recipients being peers, were hereditary members of the legislature; and it is found, on examining the division-lists, that nearly all of them voted with the government, especially in the first and emphatic division. On the other hand, Major Cunninghame of Ecket, Sir William Sharp, and Alexander Wedderburn, with possibly some others, were not members of Parliament. The Duke of Athole, far from earning his thousand pounds, gave the project for the Union an uncompromising hostility; and Cunninghame of Ecket, with whatever views he may have received his hundred pounds, was prepared to take arms against the measure.

Let us now look at the form in which Lockhart brings his charge. He says, "I shall give a very clear and distinct account of the matter, as it was discovered and reported to the British Parliament by the commissioners appointed in the year 1711, for taking, stating, and examining the public accounts of the kingdom." He states that the money was applied for under the pretence of a loan to pay arrears of salary, which it was equally inconvenient at such a juncture to leave unpaid or to raise by taxation. The money was sent without the usual formalities. It was distributed by the Earl of Glasgow, who, according to Lockhart, gave in to the commissioners, on oath, the statement of payments which he repeats.

The reports of this committee are extant—they were then inaccessible, but they may now be seen in print. They are, indeed, memorable documents. The inquiry

sign the formula," was admitted to his seat and took the oaths. The minister of Banff, writing to the great Carstairs, says: "My Lord Banff, upon declaring himself Protestant, has a mind to go south and take his place in Parliament; and withal, because his circumstances require it, his Lordship requires your kind influence for his encouragement, that he may undertake his journey."—*Carstairs' Papers*, p. 736. Are we to infer that the L.11, 2s., were given to defray the expenses of his Lordship's journey?

was instituted by the Harley and St John ministry, for the purpose of bringing contumely on their Whig predecessors, and it was worked by Shippen, Lockhart, and other zealous Jacobites, who took heartily to their task. It was on their report that Marlborough was dismissed from office; and that by a still sadder fate, he bequeathed his great name to posterity, tainted with the certainty of greed and the suspicion of fraud. By another historical result of their labours, Walpole was disgraced and committed to the tower, for countenancing a peculation in army stores. But the third great exposure which Lockhart makes in their name, is not to be found in their reports.* Not that the matter was passed over—it received a very minute investigation. The advance made from the English treasury to that of Scotland, was clearly proved. Godolphin himself was examined on the subject, and baited by the committee. It was represented that the money had been advanced by way of loan. The inquiries of the committee were directed to the question whether it had been repaid. Lord Glasgow asserted that "it consisted with his own proper knowledge that L.12,325 were paid back after the Union."† If such a payment had been made, however, it was not

* See the first and second "Reports of the Commissioners of Public Accounts," Parl. Hist. vi., pp. 1049, 1109.

† This sum it will be seen corresponds with the amount allowed to the commissioner for keeping up his establishment. The committee seem not to have doubted that this sum was repaid, for they complain of no satisfactory account being given "of the L.12,325 since repaid." Lockhart, indeed, admits the repayment, but subjoins this odd and improbable sequence,—"But was it paid back again to the treasurer as the Queen first designed it? No; but as the commissioners of accounts discovered (after a great many oaths and examinations of the Earls of Godolphin and Glasgow, and Sir David Nairn, altogether repugnant and contradictory to one another), to the Queen herself, in a private clandestine manner; and since the said commissioners do affirm in their report, that it was not applied to the use of the public, people generally believe that her Majesty was pleased to return it to the Duke of Queensberry, and the said two Earls, as a reward for their good services in carrying on the Union."—*Lockhart Papers*, i., p. 271.

to be traced through the proper offices. The transaction was altogether irregular, both in the advance and in the repayment, if there was repayment. Farther than this, however, the committee, whose function it was to ruin as many men of the Union party as they could, did not carry their inculpations.

The avowed object for which the money was obtained, was to pay arrears of salary, and various other debts due to creditors of the crown; and the question remains how far this object coincides with the particulars of the nature and conditions of the advance. There is no doubt that the money was clandestinely transferred from England to Scotland, and kept out of the usual official channels; and the committee pass some slight censures on this secrecy and irregularity.*

If we take the reports of the committee as a foundation, and admit that Lockhart's particular enumeration of sums paid is a true statement of information given to the com-

* In their general observations the committee say, "That it is plain by the two letters from the Lords of the Treasury in Scotland, that this sum of L. 20,000 was not advanced to them by way of secret service, or as a gift, but as a loan, on promise of repayment, and receipts were accordingly given for it by their agent here; but your commissioners are at a loss to explain some expressions in these letters, viz.,—That opposers to the Union would make some noise if her Majesty's letter was read in the Treasury; that they had been obliged to give promises to several persons, and, without the sum desired, they would be disappointed, which might prove of bad consequence; that they would not have it known that her Majesty lends any money, etc. Nor will we presume to guess at the reasons of these insinuations, but humbly conceive, that, if the money had been fairly applied to the pretended purposes, there would have been no just occasion for so much caution and jealousy.

"But whatever inducements the Lords of the Treasury in Scotland might have for transacting this affair in so secret a manner, we are of opinion that the persons employed here by her Majesty ought not to have parted with the money, till her Majesty's letter had been read in the Treasury of Scotland, and till a proper security had passed there for it. Whereas it was paid on the receipt of a private agent, and at the request of private persons, for so we must take leave to call the noble lords who signed these two letters to the Earl of Godolphin, because they could not sign them as Lords of the Treasury, for the Earl of Mar was never in this commission, and the Earl of Loudon had for some time been removed from it."

mittee, but not reported by them, the natural view of the transaction is, that the money was employed in paying arrears of salary or other debts. Indeed, Lockhart's own narrative announces this as a primary fact. To make it bear out his charge of gross corruption, however, he asserts that one portion of the money went in paying, a second time, debts that were already satisfied, while those who participated in the remainder, having given no acknowledgments for money received, audaciously repeated their claims, when the Scottish debts were satisfied out of the Equivalent fund, and thus received double payment.* Lockhart says, that this was brought out by the commission of accounts, but their reports do not justify him. They found difficulties, certainly, in the way of a true elucidation of the recent expenditure in Scotland, and proposed to themselves to probe the matter more fully; but, in the meantime, larger and more tempting exposures opened themselves in the corrupt dealings with the army estimates; and the small matter of the out-

* Lockhart's statement on this head is, "The commissioners of accounts having required from the auditor of exchequer in Scotland, an account of all pensions and salaries, due at any time, from the Queen's accession to the throne to the commencement of the Union, to the persons contained in the aforesaid account, exhibited by the Earl of Glasgow, and a particular account of all payments, and the time when made, to such persons, on account of such pensions and salaries, it did appear from the return; that several of those persons, such as the Dukes of Montrose and Roxburgh, Sir Kenneth MacKenzie, the Earl of Balcarras, Patrick Coultrain, John Muir, the Lords Frazer, Banff, and Elibank, had no manner of claim, all that they, on such pretence, could have demanded, being paid to and discharged by them a considerable time before the distribution of this money; and others, such as the Dukes of Queensberry and Athole, Lords Eglinton and Anstruther, Mr Stewart of Castle-Stewart, Lord Prestonhall, and the Marquis of Tweeddale, gave no acquittance for, nor is there any notice taken in the records of the treasury of the money they thus received from the Earl of Glasgow; so that in a few months thereafter, when they obtained certificates from the lords of the treasury, of what was due to them on account of arrears of pensions and salaries, some of them had no regard at all, and others only in part, to what they had received from the Earl of Glasgow, and being thus entitled to the full of their arrears out of the Equivalent, many were consequently twice paid, in whole or in part."—*Lockhart Papers*, i. p. 271. The Duke of

standing balance, not extending to eight thousand pounds, unaccounted for in Scotland, seems to have been permitted to drop, under a sense not only of its comparative smallness, but of its really affording no rational prospect of bringing home fraud or corruption to the enemy.*

It might, perhaps, at one time have been possible to exhaust the inquiry, by finding whether all those who participated in the fund were creditors of the state, and how far any of them were over-paid. But such an inquiry, which, in Lockhart's days, was either unpracticable, or did not promise to lead him to the result which he desired, is now out of the question.† The general fact, that at that time all classes of public creditors in Scotland were in arrear, is too palpably notorious. Public rewards were recklessly voted even by Parliament itself without any means being provided for their realisation, and the records of the supreme legislature are filled with dunning petitions from urgent creditors. Some of them set forth statements, which, if they were addressed to individual debtors, would involve

Athole demanding payment over again, after he had fought a long, hard battle to defeat the Union, and while, indeed, he had a charge of high treason hanging over his head, must have been a political phenomenon worth observing.

* After observing that there is no where any pretence of a repayment of the L.7675, remainder of the L.20,000, nor any satisfactory account of the L.12,325 since repaid, they proceed to say, "As to the revenue of Scotland, your commissioners doubt not but the House will be pleased to consider that they must necessarily have met with many difficulties to their inquiries into the mismanagement of it, by reason of the remoteness of the place where all the offices and records relating to the public money are kept, from whence, not only discoveries and informations, but witnesses to prove and make good the same, must be brought; and this would have been attended with so much trouble and expense, that some examinations have been rendered impracticable, which, in another year, may be prosecuted with better effect." But in the Third Report, presented in the ensuing year, 1713, there is no reference to the subject.

† The most unlikely persons on the list to have been creditors for arrears of salary or pension, are the provost of Ayr and the provost of Wigton. The sums they received were probably to defray the expense of keeping the peace in the disturbed west country.

charges of cruelty and dishonesty; for, not only are the rewards voted for public services withheld, but the money which the petitioner has been induced to spend in the public service, is not refunded, and obdurate private debtors exact from the ruined public servant that penal satisfaction which he cannot draw from the legislative body, of whose carelessness they are both the victims.

Thus, the Earl of Marchmont, so conspicuous in Lockhart's list, is found complaining to the Duke of Argyle, that he cannot get payment of arrears of his salary as Lord Chancellor.* Major Cunninghame of Ecket, who receives L.100, is found earnestly beseeching Parliament to repay to him L.275, expended out of his own means, in the subsistence of officers under his command, whose condition was discreditable to the service.† Whatever fund might be obtained for defraying such debts, where the demands so far exceeded the payments, it is quite natural that influence should often outweigh justice, and the more equitable claims yield to those which were most powerfully supported. At all times, and especially at any dangerous crisis, the official men who sat in Parliament, or the commanders of troops, would receive more ready attention than Adair the hydrographer, Anderson the antiquary, or the Dutch engineer Sletzer, who, by ill kept promises of parliamentary reward, had been induced to publish a volume of engravings of the architectural antiquities of Scotland.

Undoubtedly, it is possible to bribe by the payment of a debt, as well as by a gratuitous advance. If we

* Marchmont Papers, iii. 294. "I cannot but think it strange, that now after three years, the L.827, 15s. 7d. sterling, of my salary for serving the Queen as her chancellor, is yet resting to me, which makes me very uneasy in this time, when so little can be made of our estates in the country." Sir George Rose, in a "Defence of Patrick, Earl of Marchmont," prefixed to the "Marchmont Papers," makes out at least a probable case for a sum equivalent to the amount stated by Lockhart, being due to the Earl in 1706.

† Acts of the Scots Parliament, xi. 286.

suppose the tempter with his purse presenting himself to the statesman for sale, and offering to pay arrears cash down, which there is no definite chance of being otherwise paid, on the condition that the statesman gives his vote for a measure which he would otherwise be likely to oppose, the case of corruption is clear. But it surely does not follow, from the mere fact of arrears being paid, that such a compact has been made, nor can it be inferred from the general condition of our information on this matter. The transaction may bear at first sight a casual resemblance to the covenanting army parting with Charles I. to the Parliament, on condition of being paid their arrears. But there the incident itself was evidence of a bargain with a *quid pro quo*. The Scottish army would not give up their hostage till their demand was satisfied; and, however just their demand might be in itself, yet they gave an equivalent for the justice done to them.

But a statesman, without adopting the miserable doctrine that every man has his price, may think it as well that, in a time of difficulty and excitement, there should not be in the country a considerable body of men having a just cause of discontent rankling in their minds. The commander of the most chivalrous and devoted body of soldiers, would scarcely judge well to lead them to difficult and delicate operations with a hopeless arrear of pay at their credit. Discontents and difficulties arise from unsatisfied pecuniary demands, and in the best intentioned minds are apt to obscure their notions of duty. The statesmen who had in their hands so weighty a business as the Union, would scarcely have been justified in leaving such a political sore unhealed. At the same time, it may easily be imagined that the time was not a favourable one for raising money in Scotland, and any discovery of moneys brought from England would have been ruinous. It would have been beyond the

power of all logic or calculation, at a moment of so much excitement, to prove that it was not employed for the basest ends. Hence the money was not passed, in the usual manner, through the treasury, that parliamentary questioning and discussion, sure to attend any rumour of such a transaction, might be avoided.

The matter stands like many other historical disputes. Indifferent readers, seeing no evidence of corruption against the supporters of the Union, will not think it necessary to suppose that they were bribed, but will not hold it an impossible charge, incapable of proof on fuller evidence. Those, if there be any still, who hold the Union to have been a base betrayal of Scotland, will believe that Marchmont and his brethren were the vilest hirelings.* On the other hand, those who believe that a band of Scottish noblemen are incapable of base motives, will still be permitted to believe in their incorruptibility,—a license which the descendants of the men who figure in Lockhart's scandalous list will probably adopt.

Though the Scottish Parliament had passed the act of Union, they were still a sovereign legislature, until that act had been accepted and passed by the Parliament of England. In that anticipation, some parliamentary duties still remained for Scotland. The first was an arrangement for sending representatives from Scotland to the British Parliament, should there be an immediate prospect of the Union being carried in England, so that

* Sir Walter Scott's national pride seems to have been so entirely overwhelmed by his prejudice against the Union, that no tale against its supporters is too degrading to secure his belief. It is singular that one who balanced his genius by so much solid sagacity, and the accuracy of whose appreciation of Scottish history becomes the more marvellous the more its true sources are studied, should have been seduced to believe in the bold assertions of a man who had not, by his own account, any more clear line of principle than the steady and constant desire of wounding his antagonists. Since Scott's sagacity was seduced into a belief of Lockhart's calumny, it is not, of course, wonderful to find inferior and equally prejudiced men, both before and after him, echoing the spiteful Jacobite.

the Scottish Estates, after having, in the first place, seen their immediate successors appointed, might be enabled, before separating for ever, deliberately to legislate for the future representation of their country in the united Parliament. By this arrangement, legislation on the subject of future representation would be in some measure removed from the influence of immediate partisan interests. Thus, on the 20th of January, they resolved that, if it were decided that the existing Parliament of England should remain as the English portion of the Parliament of Great Britain, which ultimately was the plan adopted, then the Representative Peers, as well as the Commoners, should be chosen out of the existing Estates of Scotland. The next business was the final arrangement for the selection of the sixteen peers. The question was—Should all the peers go up to Parliament by rotation, or should representatives be elected for each Parliament? The latter plan was carried, and its adoption was probably helped on by a complacent prospect, which the Scottish peerage began to entertain, of being gradually absorbed into the new legislative peerage by obtaining British titles. It was proposed that the election of the representative peers should be by ballot, but after a debate the system of open voting was carried. A resolution was passed, excluding peers and their eldest sons from seats in the united Commons. It was proposed to enact this directly and in words, but a counter-motion was carried, to limit the representative right to "such as are now capable, by the laws of this kingdom, to elect or be elected." Though the clause, in this form, had in practice the same effect as the direct exclusion, yet there seems to have been, for some reason difficult to discover, a keen debate about the form of the exclusion. A long list of peers voted for it in its indirect form, but only two for the specific exclusion. Why the representation was to be so jealously guarded from the peerage, that even the

eldest son could not enjoy it, is not easily to be fathomed. It is certain, however, that many of the Scottish peers of the age were miserably poor and disreputable. It was the hereditary ownership of land, not the acquisition of title, that constituted the true aristocracy to which the common people looked up.

In dividing the forty-five Commoners between the counties and the burrows, thirty were given to the former, and only fifteen to the latter,—an arrangement which seems to have been voted without discussion. Edinburgh was allowed one representative—the other burrows were dispersed in fourteen groups; and the members of each group appointing a commissioner after the manner in which they used to elect a representative to the Estates, the commissioners for the group or district were to assemble together as a committee, and choose the representative. The act excluded Papists; and though this and its other provisions were, by a special clause of the Act of Union, to be counted part of the treaty, yet the whole system introduced by it has, since the Catholic Emancipation and the Reform Acts, become mere matter of history.

The Union, though it altered the amount of representation, did not change the nature of the franchise, as it had been founded partly on statute and partly on confirmed custom. The voters for the Commons in counties, were the freeholders. They required to have either a forty-shilling freehold, according to the ancient valuations which had been made to collect the feudal casualties of the crown, or a freehold of L.400 Scots of valued rent, according to a plan of general survey devised by Cromwell, and renewed after the Restoration, for the purpose of adjusting the incidence of the land-tax. At the time of the Union this franchise, though narrow, was genuine, but afterwards a plan was devised, of separating the superiority or freehold from the property, and partitioning

it off in the exact portions which constituted the right to vote. Thus a man might be owner of a large estate, without having a vote; while the franchise-right attached to it, divided into as many votes as its valued rent enumerated sums of L.400, had become a commodity in the market, and was dispersed among several voters, who might be strangers. Thus divided, the number of county voters did not, at the passing of the Reform Bill, exceed 3000. The 67 burrows had adopted the practice of making their municipal councils electoral colleges. Of old they had been chosen by popular election of the burgesses, but each had gradually merged into a peculiar constitution, called its "set." Though these sets varied, their character was generally restrictive,—the existing councillors choosing their successors, and office passing invariably through a certain circle of rotation. As some of the burrows decayed and became almost extinct, such public representative life as they possessed at the period of the Union died away.

Before separating, the Parliament had to divide the Equivalent money left at their disposal. A portion went to pay arrears of salary and other claims; and among these, considerably to the dissatisfaction of the nation, a sum was allowed for remunerating the commissioners of the treaty, as well as those who had begun the abortive treaty of 1702. The payment of the stockholders of the Darien Company carried off L.232,884, being the amount of paid-up capital (L.219,094), with interest down to the 11th of May 1707. The book in which this sum is distributed is still extant,* and shows that the operation must have been troublesome, from the amount to which the parties had answered the calls on them having varied. All who received compensation had of course paid the first instalment, which was 25 per cent., but the subse-

* Among the Darien Books in the Advocates' Library, as already referred to.

quent demands were unequally answered, and the compensation had to be graduated accordingly. The last-recorded division was taken upon the question, whether the sum should be handed over to the directors of the company, or paid to the shareholders by the commission for disposing of the Equivalent, and the latter alternative was carried. With these proceedings an act was passed, which looks singularly out of place. It was for the encouragement of the growth of wool, by the compulsory use of woollen shrouds, and the prohibition of sepulture in any other textile fabric.

Such were the miscellaneous concluding labours of the old Scottish Estates. On the 25th of March, the Commissioner delivered a brief concluding speech, assuring them that posterity would reap the benefit of their labours. They were then adjourned, and never assembled again.

It was deemed of great moment by the friends of the Union, that if alterations were made on it by the one Parliament, they should be accepted by the other. A discussion, in which amendments made on the one side were discussed and sent back, with rejections or counter-amendments from the other, opened a vista of indefinite and perilous postponement. This consideration strengthened the policy of passing the treaty first through the Scottish legislature. Had England made the smallest alteration, Scotland would have deemed it a question of national pride and independence to make farther changes —to have done otherwise would have seemed a humiliating submission to dictation. England could afford to be less punctilious about her honour; and it could not be denied that Scotland, as the weaker party, required to look more jealously to such protection as stipulations could accomplish. As the affair was ultimately arranged, Scotland had the pride of framing and adjusting the measure in the very terms in which it was finally adopted. It was the design of the English statesmen,

that, were it possible, the treaty should be carried through Parliament exactly as it came from Scotland,—and they succeeded. But the preparation for this achievement required much careful and anxious management. The alterations carried in the Scottish Parliament were, as we have seen, considerable. Some of them were suggested as supplying real deficiencies of the treaty, which might be proposed by either Parliament, but would of course be, for obvious reasons, best adjusted under the first parliamentary discussion. But while these alterations were in progress, the English statesmen, watching them narrowly, earnestly besought their Scottish brethren to keep them within reasonable bounds, and see that they did not become so fundamental as to render counter-amendments necessary, or open discussion in England.*

Soon after the conclusion of the momentous session, the Commissioner departed for London, formally to place the act of the Scots Estates in the hands of the Queen. He was received as the ambassadors of great potentates were of old, by a solemn procession of the high officers of the realm, in coaches and on horseback, and in this fashion was conducted into London on the 16th of April.

In the meantime, the measure had been before the English Parliament, who were far on in discussions, of which it is now necessary to give some account. The

* Secretary Johnston wrote from London on the 31st of December—"You may, I think, depend on it, that the alterations you have hitherto made will not break the Union; but if you go on altering, it's like your alterations will be altered here, which will make a new session with you necessary; and in that case, no man knows what may happen." And again, on the 4th of January—"Your friend is going to the country for a few days, and bids me only tell you, that the Whigs are resolved to pass the Union here without making any alterations at all, to shun the necessity of a new session with you, provided you have been as reasonable in your alterations as you have been hitherto. It's true, many of the Commons say this is prescribing to them: why not they make alterations, say they, as well as you? But, in all probability, this humour will be overruled."—*Jerviswood Correspondence*, pp. 178, 179.

first statesman who threatened any interruption to the progress of the measure on the part of England, was Daniel Finch, Earl of Nottingham, one of those men who, isolated from the usual influences and habits of their age—keeping rather behind than marching before the opinions of their contemporaries—receive, with the epithet wrong-headed men, little respect from the practical politicians whose operations they interrupt, and less from the speculative philosophers, to whose hopes and anticipations their old-world opinions are a sort of antipodes. But Finch was among the least unpopular of impracticable men, for his old Prerogative and High Church convictions were leavened with a latent principle of elasticity, which enabled him to accommodate his principles to the progress of the age—an element of character of which there could not be a better type than his own remark, that while he was bound to oppose the accession of King William, his principles would teach him to be a more loyal subject of the new monarch, when once enthroned, than those who had contributed to his elevation. He is said, indeed, to have made a like remark about the Union; but when such instances are multiplied, people are inclined sceptically to suppose that they are but the same anecdote repeated with varying circumstances.

On the 10th of January, Lord Nottingham informed the House of Peers that he had matter of great moment to lay before them, and desired that they would appoint a day to receive it in a full House. The meeting was fixed for the 14th, and Nottingham addressed the House in what the parliamentary history calls "a set speech." From the very brief report still extant, it seems to have chiefly referred to the danger with which "the church by law established," was threatened by the articles understood to be assented to for the preservation of the presbyterian polity in Scotland. He moved that the proceedings, both of the Commissioners and of the Scottish

Parliament, should be laid before the House. Treasurer Godolphin maintained that the time for considering the matter would come, when it had been disposed of by the Parliament of Scotland; and some of the ministerial party had recourse to one of those adroit casuistries which do more than solid argument to interrupt the efforts of such men as Nottingham. They represented it as an honour to the English nation that the treaty should come to them ratified by the Parliament of Scotland. The motion was dropped. On the 28th of January, the Queen, in a solemn meeting with both Houses in the House of Lords, informed them that the treaty had been ratified in Scotland, and that she had directed it, with the Act of Ratification, to be laid before them. The address was brief and general, commenting, in terms too vague to excite controversy, on the advantages of a union, and only descending to particulars in a recommendation to the Commons to provide the supplies necessary for the Equivalent.

In imitation of what had taken place in Scotland, the first function of the English Parliament was to adopt an Act of Security. It was passed on the 3d of February, with the title, "An Act for Securing the Church of England as by law established," to be inserted, like the Scottish act, in the parliamentary adoption of the Union by both kingdoms. The main clause of this measure was the sovereign's oath for the preservation of the Church of England, with sanctionary promises like those of the Scottish act, from which it differed in being administered, not at the accession, but the coronation.* The act was the dying injunction of the Parliament of England to the Parliament of Great Britain, to preserve the church. That the Establishment of mighty England should be deemed in any danger from the humble insti-

* 5 Anne, c. 5.

tutions of Scotland, might seem a gratuitous and preposterous apprehension. But among very old men there were some still alive who had seen an army march southward under the banner of the Covenant, and cease not until they saw the fabric of the English hierarchy overthrown, and presbytery erected in its stead. It was known that there still existed a remnant of such stern and uncompromising spirits, who held it to be their true function to pull down Prelacy; and if, by any strange turn of fortune, they should acquire a practically hostile position in England, the dissenters would readily co-operate in their projects. It was remarked by the younger Calamy that this act "was reckoned by the dissenters to make their way the clearer, since it removed all hope of a reform in the constitution" of the English church. Comprehensive as it was, it did not satisfy some high churchmen, who made, but lost, a motion, that it should specially embrace the act of the 25th of Charles II., against popish recusants, which had been found very efficacious both against "papists and dissenters;" and they recorded a protest against it, among the few adherents to which the signature of Nottingham appears in company with those of four bishops.

On the following day, the Commons sat as a committee of the whole House, to consider the Articles of Union, and the act of ratification by the Parliament of Scotland. They were not in the performance of their proper legislative functions, but were directed in their proceedings by what had then frequently become an impulse towards debate and inquiry, and is well known as a parliamentary practice of the present day—a question laid before Parliament by the Crown. The method in which this is accomplished is generally a message. On the present occasion, the importance of the object had elicited a visit from the Queen in person. The articles were merely submitted to the general approval

or disapproval of the House—it was not necessary that they should be severally rejected or passed like the clauses of a bill. The House proceeded with great rapidity. The subject was introduced on the 4th of February, and the committee's report in favour of the articles, was received and approved of on the 8th. There were some curious incidents in the debate. The opponents of the measure, though they thought they might have, as we shall find they had not, an opportunity of opposing the clauses when they came before the House to be enacted, began to complain about the careless rapidity with which the committee proceeded, and a faint cry got up among the small band of impugners, of "post-haste—post-haste." Sir Thomas Lyttleton adopted the simile, and is reported to have said, "They do not ride post-haste, but a good easy trot; and, for his part, as long as the weather was fair, the roads good, and the horses in heart, he was of opinion they ought to jog on, and not take up till it was night." * Among the most vehement and animated of the opponents was Sir John Packington, who scattered around him bitter and insulting remarks so adroitly, that they seemed more complimentary than hostile to those whom he was addressing. Thus he charged the Scottish Parliament with having submitted to the influence of bribery and force to betray the trust reposed in them, "and therefore he would leave it to the judgment of the House to consider whether or no men of such principles were fit to be admitted to sit amongst them." He alluded to the contradictory character of the two oaths to be tendered to the sovereign, the one obliging him to maintain the Church of England as by law established, the other giving the same regal sanction to the Church of Scotland, and endeavoured to scatter

* Parl. Hist., vi. p. 561.

perplexities among supporters of divine right, saying, "that the Church of England being established *jure divino*, and the Scots pretending that their Kirk was also *jure divino*, he could not tell how two nations that clashed in so essential a point could unite." Against this, General Mordaunt, with the wit of his family, and perhaps a little of its thoughtlessness, spoke for those who, favourable to the existence of an establishment, are on principles of policy disposed to adapt it to the ecclesiastical polity which the people of the country favour. He said, "that he knew of no other *jure divino* than God Almighty's permission; in which sense it might be said that the Church of England, and the Kirk of Scotland, were both *jure divino*, because God Almighty had permitted that the first should prevail in England, and the other in Scotland." On this subtle and rather perilous feature of the measure, it may be noticed, without strictly adhering to chronological order, that the government, in the nearly contemporary debates in the House of Lords, were ably helped by the ingenious dialectics of Talbot, Bishop of Oxford. A lord, whose name is not mentioned, had put to the bench of bishops, most of them men of the Revolution, and not deeply impregnated with high church notions, the difficulty of the mitred dignitaries of the Episcopal Church legislating for the permanency of Presbyterianism, in these terms,—"If those reverend prelates do not believe the religion of the Church of England to be the purest and most agreeable to the Scriptures, and her constitution and government most conformable to the primitive church; if they that instructed me in my religion have taught me wrong; if they have changed their opinion,—let them tell me so, let them undeceive me." The Bishop of Oxford would yield to no one in respect and reverence towards the polity of the Episcopal Church. He found in the declared opinions of the University of

his own diocese, a cause of condemnation against the Scottish Church, which "cannot be said to be without episcopal government by necessity, but upon choice," and so, having no palliation, is, in his opinion, "guilty of a wilful and most unjustifiable deviation from the pattern of the apostolic and primitive church." But he found nothing inconsistent with these opinions in sanctioning an act which spoke respectfully of the Church of Scotland. It was a treaty—the respectful words did not come from his side, but from the other; it was but diplomatically tolerated on his, on a principle for which the best existing expression is, perhaps, politeness.*

To practical statesmen, however, a more convincing argument must have been, his estimate, presuming that the two polities were doomed to a war of extermination, of the chances of success,—the power of the opposing forces being estimated entirely according to the wisdom of this world, and with no prospect of truth vanquishing error, or of any other influence than a parliamentary majority, giving the one religion an advantage over the other.† It was perhaps just as well that such a line of

* "It is true the Scotch, for the security of the kirk, which is to be an essential condition of any union between the two kingdoms, have called their Presbyterian religion the true Protestant religion. But do I acknowledge their religion to be such by consenting to this bill? What is it that I or any lord should consent to, by saying Content, when the question for this bill shall be put? Why, that the bill shall pass into a law. And what passes into a law but what the bill enacts? Does the bill enact that their religion is the true Protestant religion? No such thing. They have used that epithet; but can my consenting to what is enacted in the bill, include my assent to every proposition, that may be found by putting a copula between a subject and an epithet that may have been unduly applied to it in the preamble? I would suppose we were treating upon articles with the French king; those who should act for him would be sure to give him the style of the Most Christian King; but would it follow that, if we were to ratify the treaty agreed on, in some part whereof he was to be so styled, that we consented to this proposition, that Louis XIV. is most Christian?"

† "I cannot for my life imagine, but it is far more likely that England may, at some time or other, restore Episcopacy to Scotland, than that ever Scotland should be capable to introduce Presbytery into England. To omit

argument could not have been read in the report of an English bishop's speech before the passing of the Scottish Act of Security. In the audience where it was delivered, it proved appropriate and effective; yet the logical arguments and cutting sarcasms had perhaps less influence than the bishop's peroration, which was the home thrust of an able debater, with the great parliamentary weapon of the day—a hint of Jacobite disaffection against his opponents. If to support the Protestant religion were a crime, he admitted that the bench of bishops were unpardonable; and as to any steps which might facilitate the bringing in a young prince from abroad, "if these be our faults, from such as take them to be faults, we can never hope for pardon; but they are such as we never will repent of."

The resistance in the Commons was slight, owing to an expectation that there would be a subsequent opportunity of discussing the question,—a hope which, as we shall presently see, was dexterously baffled. A motion, that the first article, announcing the House's concurrence in the principle of an incorporating union, should be postponed, being rejected by a large majority, a con-

other advantages that England may have over Scotland as to this, let us reflect only on the superiority of numbers that England will have over Scotland in the British Parliament,—five hundred and thirteen to forty-five in the other House, and about one hundred and forty to sixteen in this. But it is said, we may not all be of one mind—we may not all be cordial for Episcopacy. And are we sure that the Scotch members will be all of one mind—all cordial for Presbytery? I am sure we have been told, over and over, when Presbytery was established in Scotland, that it was a most impolitic as well as wicked thing, for that the best part of the nobility and gentry of that kingdom were against the tyranny of the presbyterian government, and were for the episcopal. Now, if this be true, if they that are to come into this House must be of the nobility, and those that come into the other House probably of the best gentry, we shall have an accession of strength in the cause of Episcopacy. But I will suppose the Scotch members to be rank zealots for Presbytery; yet what can sixteen of them do in this House, wherein, since a noble lord has declared himself so plainly and warmly, I will venture to pronounce we are all, to a man, for Episcopacy, even all we of this bench."—*Parl. Hist.*, vi. 574.

siderable portion of the opposition seceded from the discussion; and on the 8th of February, the House received and ratified, without a division, the report of the committee, importing their approbation of all the articles.

The debate in the House of Lords, just alluded to, commenced on the 15th of February, in a committee of the whole House, whose deliberations derived solemnity and dignity from the presence of the Queen. On Bishop Burnet, descended of a respectably obscure family in the poor country whose proffers they were to consider, was conferred the distinction of presiding at this, the most important deliberative proceeding in which the chamber of the haughty aristocracy of England had perhaps ever been engaged. Lord Nottingham did not desert his usual character—he had objections purely original, which no one less minute in a search after difficulties through untrodden paths could have suggested; he "excepted against the name of Great Britain," alleging it was such an innovation on the monarchy as totally subverted all the laws of England, and therefore "moved that the judges' opinion might be asked about it." Many lords, who would not have discovered the objection, supported it; and the judges were referred to, who "unanimously declared they could not conceive that it any ways altered or impaired the constitution of this realm, whose laws, they were of opinion, must remain entirely the same, as well after as before the Union, except such as were altogether inconsistent with and directly contrary thereto."*

As may naturally be anticipated, but few of the things spoken in this debate can stand the test of intervening history, and seem arguments at the present day, as they were arguments then. But whoever may have had the most potent voice at the moment, a nobleman now scarcely known in history, Lord Haversham, stands forth on the

* Parl. Hist., vi. 562.

pages of the parliamentary debates as the most formidable opponent of the measure—as indeed the only one whose views were marked by the spirit of forethought, and who looked with an inquiring eye into the vista of the history to be acted. He had the boldness, even in the royal presence, to refer, with approbation, to the legislation of Oliver Cromwell, speaking of the reserved hereditary jurisdictions, and the privileges of the burrows, as elements in the state of Scotland, "both which Oliver, by an act of state, was so wise as to abolish." He founded dexterously on that argument about the danger of innovation, which a hereditary legislature can never lose sight of or fail to feel, and asked how the Peers of England could expect their own privileges to be sacred, if they adjusted those of the Scottish Peerage to the conditions of a bargain, and the convenience of a diplomatic arrangement.*

Yet so far had this ingenious and acute reasoner gone astray in his anticipations, that the acceptance of this very measure of legislative revolution, became one of the most potent arguments against any change in the constitution of Parliament, which could be thenceforth talked of, not as matter of usage, or the creature of statute law repealable in Parliament, but as the conditions of a treaty with an independent state. From matter of legislation, which is mutable, it came to be matter of bargain, which cannot be honestly departed from.

* "My Lords, I must own I am apprehensive of the precedent, and know not how far it may be carried hereafter, or what alteration future Parliaments may think fit to make. It is evident, by the two-and-twentieth article, that above a hundred Scotch Peers, and as many Commoners, are excluded from sitting and voting in the British Parliament, who perhaps as little thought of being so, a year or two ago, as any of your Lordships do now; for they had as much right of inheritance of sitting there, as any Lord of this House has of sitting here; and that right, too, as well and as strongly fenced and secured to them by the fundamental laws of their kingdom, by Claim of Right, and act of Parliament, which made it treason to make any alteration in the constitution of that kingdom; and yet have not they lost their privilege? And what one security has any Peer of England, by the laws of this land, to his right and privilege of peerage, which those Lords had not?"

There were a few divisions, but, as in the Commons, the inequality of the contest was soon felt and acknowledged by tacit votes. The largest proportional minority was twenty-three against a majority of seventy; and this occurred on the adoption of that provision where the interest of England appeared to be distinctly sacrificed to that of Scotland—the adjustment of the land-tax. Lord Halifax, in defending the clause, made some remarks which, if they be correctly reported, scarcely embody the principles on which a great nation ought to have pursued such a treaty, and must have been apt, if they became known, to aggravate the unpopularity of the measure in Scotland. He said, "That it was very true the quota of Scotland was very small and unequal, in comparison to what was paid in England; but that the English commissioners could not induce the Scotch to agree to any more, upon account of several impossibilities on their side; that we could not expect to reap the like advantage of every article of the treaty; and that if they had the better of us in some few, we were infinitely recompensed by the many advantages which did accrue to us from the whole."*

The gravity of the debate was in some measure lightened by the Marquis of Lindsey and the Earl of Thanet, who directed attention to a personal matter in which they were interested. The articles made provision for hereditary offices in Scotland, but there was no similar provision as to England, and the one being perpetual sheriff of the county of Westmoreland, while the other was Lord Chamberlain, they desired to know how far they were liable to be affected by the proposed Union. The judges were consulted, and found that the fears of the noble lords were as unfounded as Lord Nottingham's more comprehensive dread lest the constitu-

* Parl. Hist, vi., p. 566.

tion and laws of England should be extinguished by the adoption of the title of Great Britain. The debate died in the hands of this peer, who, true to his character, after the last article had been passed, "stood up and begged their Lordships' pardon for having troubled them almost to every article." He referred to the well-known anecdote of Sergeant Maynard, who, on an allusion to his great age, and the many fellow-lawyers he had outlived, said that, if King William had not come over, he might have outlived the law itself; and applied it to the Union as an event likely to make himself outlive "all the laws and the very constitution of England." He concluded with offering up "a prayer to God to avert the dire effects which might probably ensue from such an incorporating Union;" but the substance of it has not been preserved.* So were the debates on this measure substantially closed.

The House was occupied in committee from the 15th to the 24th of February. Three days afterwards, Bishop Burnet reported the resolutions to the House, "which were agreed to by a great majority," the proportion of which is not stated. Several protests were entered; some without, others with, reasons. The latter class referred to the unequal land-tax, and the raising of an equivalent in England, instead of fixing the debt of each country on its particular revenue.

And now all that remained to accomplish the greatest work of statesmanship of the age, was the passing of an act of the English Parliament, making into a law that which, as a treaty, had obtained their approval. The method in which this was accomplished, if not an effort of statesmanship, was one of the most dexterous efforts of statecraft hitherto performed. The opposition, expecting that all the clauses would be re-debated, reserved much of their oratory from being wasted on a mere ques-

* Parl. Hist., vi. p. 569.

tion of approval or disapproval, that it might serve the more important function of counteracting the final vote, which was to convert each article into a law. In a debate upon each of the several clauses, the opposition, if they had little chance of gaining a victory, might at least prolong the campaign, and widen the source of chances in their favour. It is said to have been to the ingenuity of Harcourt, the Attorney-General, that government were indebted for a parliamentary evolution which baffled these hopes. The Articles of Union were inserted in the preamble of the bill, where, along with the acts made in the two Parliaments for the safety of the respective churches, they were set forth in a narrative form, as transactions which had taken place, and which justified the provisions that were to follow. There were some clauses re-enacting the provisions for the settlement of the churches, confirming the provisions of the Scottish Parliament as to the election of peers, and settling other details; but the main provision of the act contracted the whole expanded surface of the measure, to which the enemies of the Union were opposed, into one brief clause, enacting the twenty-five articles of the treaty in the following terms:—

"That all and every the said Articles of Union, as ratified and approved by the said Act of Parliament of Scotland as aforesaid, and herein before particularly mentioned and inserted, and also the said Act of Parliament of Scotland for establishing the Protestant religion and Presbyterian church government within that kingdom, intituled 'Act for securing the Protestant religion and Presbyterian church government,' and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby, for ever ratified, approved of, and confirmed." Such was the one sentence, on the adoption or rejection of which the measure now depended.

The effect of this policy on the opposition was such as

when a general, with a small force, having manœuvred to meet the superior army of his enemy in detachments, with a prospect of possible success, finds himself suddenly in front of the combined force, prepared for instantaneous battle. Burnet, with the faintest indication of exultation at the success of the tactic radiating through his narrative, tells us that this arrangement "put those upon great difficulty who had resolved to object to several articles, and to insist on demanding some alterations in them; for they could not come at any debate about them; they could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause, nor was it easy to come at particulars, and to offer provisos relating to them. The matter was carried on with such zeal, that it passed through the House of Commons before those who intended to oppose it had recovered themselves out of the surprise under which the form it was drawn in had put them. It did not stick long in the House of Lords, for all the articles had been copiously debated there for several days before the bill was sent up to them."*

The bill was ordered to be brought into the Commons on the 8th of February, and was sent up to the Lords on the 1st of March. There a rider, the fruit of the debate on the Act of Security, was proposed in these terms:— "Provided always, that nothing in this ratification contained, shall be construed to extend to an approbation or acknowledgment of the truth of the Presbyterian way of worship, or allowing the religion of the Church of Scotland to be what it is styled, the true Protestant religion." On a second reading, the rider was thrown out by 55 to 19; and none conversant with the history of English legislation at that time, can fail to see how completely, in the struggle of which this was the expiring effort,

* History of His Own Time. Anno 1707.

the policy of the statesman overcame the religious zeal of the churchman; and how slight a chance the phraseology regarding the Presbyterian Church of Scotland would have had of standing on the English statute-book, had it related to the Presbyterian dissenters of England.

On the 6th of March, the Queen came to the House of Lords, solemnly to give the royal assent to the Act of Union, and, by a few French words, to conclude and settle, with the unyielding rigidity of an English statute, that state project which had been the object of speculation and desire for a century, and had for some years past held at the utmost stretch of anxiety, and at the hardest intellectual labour, the chief statesmen of the day. It must have been with a feeling of quiet solemnity, that the House, looking forward to the peaceful vista of the future, listened to the royal address, calm but earnest, in which the Queen, instructed by those who knew the momentous greatness of the occasion better than herself, said,—"I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire and expect from all my subjects of both nations, that from henceforth they act with all public respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this Union."*

* Parl. Hist., vi. 576.

Thus, at last, was the imminent risk of a national contest between England and Scotland averted. The Union was manifested in the assembling of a British Parliament on the 1st of May. Eagerly desired by the Scots, when they believed it to be only a federative union with a communication of trading privileges, it was as eagerly denounced by a large portion of them when they found in it the extinction of their nationality. The measure had passed through various perils: it seemed at one time hopeless; it had received more aid from external accidents than from the deliberate furtherance of those on whom it professed to confer the most material benefits. But the occasion for inquiry into the motives and accidents which had given it an impulse onwards was now gone. For good or evil—for national success, or deeper national degradation—it was the law of the island, to be enforced by the overwhelming power wielded by British statesmen.

It may be well, before narrating what followed on this Union, to give a rapid sketch of the main political characteristics of the country which, thus brought into combination with the great kingdom of England, abandoned a separate nationality for a share in her illustrious fortunes. What is said shall be brief; and with a view rather of filling up blanks in the account of the state of Scotland occasionally developed by the preceding narrative, than with the object of affording a complete picture.

What a nation at any time believes about its history and progress, is a series of truths to be kept separate from the actual facts of the history and progress as archæological inquiry may unfold them. An oriental migration—a fabulously long line of kings—a series of superhuman victories, may be all unreal enough to the sceptical antiquary; but they were realities of the time when they were believed, and had then their practical influence over men's opinions and conduct.

Scotland, when, as a nation, she became united with England, had a mythical history, believed in by her people, and influencing their actions; and a true history, then concealed, but discovered by the skilful perseverance of late inquirers. The fictitious history certainly influenced the people and their leaders; the events of the real history must also, however little known, have had its effects on them, for men inherit, more or less, the actual conduct and characters of their ancestors, however different these may have been from the pictures exhibited to the succeeding generations by mythic tradition.

The fabulous history of Scotland represented her crown as handed down to Queen Anne from a hundred and twelve ancestors, who, unless the Revolution might be deemed an interruption, had followed each other in distinct hereditary succession. All nations have had their fabulous regal genealogies—even sober England had her legend of Locrinus and Camber. Scotland was, however, signally successful in retaining belief for her legendary hierarchy after that of other nations was extinguished. Her neighbours were not less bold and comprehensive in their claims. Ireland, for instance, asserted genealogies which, in the narratives of the sceptical, went back to the flood, and, with enthusiasts, were carried beyond it. While these, even in their modified form, were laughed at, the graver Scottish traditions were believed; and in official documents before the Union, it was the pride of the Scots to see their country, when an expression was sought to distinguish it from England, termed "the ancient kingdom."

The real history of the Scottish Lowlands, on the other hand, was that of a people enjoying, at an early period, the same language and institutions as the Saxon inhabitants of England, and so much a portion of the general Saxon aggregate, that, like its other principalities, the boundaries changed from time to time, by

absorption or disjunction; and Scotland was politically distinct from her neighbour only in never being entirely absorbed into the kingdom which arose from the aggregation of the general elements of the heptarchy. There was, however, no more alienation between the Scot and his Northumbrian neighbour, than there had been between the Northumbrian and his neighbour of Mercia; and there might have been nothing revolting to national feeling or independent pride, had Scotland been absorbed in the united Saxon kingdom.

But it was otherwise when the tyrannous Norman, after having ravaged England, laid his hand on a country which had been distinctly marked off by the conquest, and had passed through two centuries of comparative freedom in exemption from the Norman yoke. It was the attempt to impose this yoke, that first taught Scotland to see in the kingdom of England her natural enemy; and it is from the war of independence only, in the thirteenth century, that we can justly date Scottish nationality, with all its progeny of deadly hatreds, its sufferings, its enduring defiance, and its ever-successful defence of the country's soil.

Gradually, after that period, the Scottish people, in their language, their institutions, and their habits, became estranged from England. It was natural that among a people led by such a spirit, the French should seek to establish an influence against their dreaded enemy. Hence, while enough of such English nomenclature as the Coroner, the Mayor and Aldermen, and the like, survived for a short time in Scotland, to show that the laws of both parts of the island had a common origin, the Saxon institutions in Scotland were gradually buried under foreign importations. Whatever early seeds of the common law took root, were overwhelmed by the Code and the Pandects, as the Scottish lawyers learned them at Paris or Bourges; and the law of Scotland, becoming every

year more and more unlike the common law of England, acquired a close analogy with the principal consuetudinary codes of the French provinces. The Court of Session was at last established, and was modelled, from the President to the *massier* or Macer, in practice and in costume, on the Parliament of Paris. The Barrister was the *avocat* or Advocate, and the Attorney was represented by the *procureur* or Procurator. The Legislature, as we have seen, consisted of three Estates like those which were recalled to see the fall of the French monarchy, and what in English parliamentary tactics was termed a motion, was an *ouverture* or Overture—a term still retained in the forms of the Scottish Church. Where England had her Mayor and Aldermen, Scotland obtained a *prevost* or Provost, and Bailies. In England, the crown, and the popular parliamentary influences which bore on it, abhorred local irresponsible judicial authority, and at an early period the royal courts broke down the power of feudal jurisdiction. But Scotland, in no little measure, suffered under the same scattered administration of justice, which made Voltaire complain that a traveller changed laws as often as he changed horses; and the house of Hamilton had their seigneury at Chatelherault, with their regality in Lanarkshire. On the other hand, while in England the demand of justice from the king's courts was ever deemed the privilege and function of private persons seeking redress for their own wrongs, the pursuit of crimes was, both in France and Scotland, handed over to a high state officer; and Scotland retains to this day a system which, modified by responsibilities and securities, instead of seeming an inheritance of slavish principles borrowed from a despotism, is an economic and systematic method of enforcing penal justice, which England is likely speedily to imitate. The foreign connection had an influence over the church which will be obvious to the lightest reader of Scottish

history; and it will be remembered how a prelate bearing the same name with an illustrious French statesman, exercised an influence over the fate of Scotland, less from the dignities he possessed at home than from the wealth of his great preferments in France. It is not, of course, to be held, wherever the Scots and the French are found using the same technical expression, derived from the common fountains of European nomenclature, while the English have selected a word of different origin to express the same thing, that the Scottish terms have necessarily been derived from France; but the many coincidences which might be added to those here enumerated, point distinctly to the patronising influence of England's natural enemy.

The alliance with France exercised on other external matters an influence still conspicuously visible. The earlier ecclesiastical edifices of England and Scotland show the same style of architecture—in many instances the same workmen. When, after the devastations of the war of independence, Gothic architecture was resumed, it leaned, in its gradual development from earlier to later styles, more to the continental than the English models; and when the English architects fell into the thin mouldings and shafts, depressed arches, and square outlines of the Tudor-Gothic, Scotland took the other direction of the rich, massive, wavy decorations, and high-pointed arches of the French Flamboyant. The habits of their allies are still seen in the old quarters of the Scottish towns, where house is piled on house, penetrated by perpendicular streets. But in the mansions of the gentry, the influence of France was still more complete; for when the English squires were building their broad, oriel-windowed, and many-chimneyed mansions of the Tudor style, the Scottish lairds raised tall, narrow fortalices, crowned with rich clusters of gaudy, pointed turrets, like the chateaux of Guienne and Berri.

Yet the foreign influence which has left so many distinct vestiges, was only superficial. It might be seen in the church, in the practice of Parliament, in the courts of justice, and in the architecture,—perhaps also in the manners and the morals of the aristocracy; but it never penetrated to the heart of the people. Their national character, with all its virtues and all its faults, remained untouched, though an alliance which had so distinctly moulded the institutions of their country could not but have great influence over their national destinies. It is not within the historical scope of this work—though it would form in itself an extremely interesting object of inquiry—to trace how far French manners and morality, ingrafted on Scottish rudeness, made the characters of that vicious and fierce aristocracy which has surrounded the history of Queen Mary with its picturesque gloom. Perhaps in this ill-assorted conjunction of national characteristics, might be found the origin of the long alienation in religious opinion between the gentry and the humbler people, which made the deep religious zeal of the one all the more conspicuous, from its contrast to the opinions and practice of the other. Perhaps it might be found that the sudden origin and rapidly matured strength of this religious zeal, may be attributed to the antagonism of foreign influence with the inclinations of the people; that meeting them wherever they went—galling their opinions, prejudices, and national feelings, in all institutions, both of church and state—they determined to endure it no longer, at least in the more essential of its two elements; and resolved at once, with national fervour and decision, to annihilate the foreign religious establishment, even should the foreign state institutions remain. If this be the cause that made the Scottish reformation so much more complete and overwhelming than the English, its impulse will also account for the peculiarly religious character which all the movements against arbitrary

power in Scotland thenceforth assumed. This tendency was the main element of difference between the two united nations. Perhaps had there been a like outbreak against the foreign tendency of the civil institutions of the country, there would have been not only the task of uniting presbyterian institutions to prelatical, but of uniting republicanism to monarchy. Remaining undisturbed, however, the Scottish institutions were more despotic than the English, because they were more continental. Had they been purely national, arising like those of England, it would have been perhaps more difficult to bend them to the purposes of a satisfactory union. But, in truth, the institutions never having entered into the character of the country, their despotic tendency was more nominal than real; and, with all the French influence long bearing on them, the people, remaining heart-whole, were not incapacitated to join their brethren of the old Saxon stock, from whom they had so long been severed.

Indeed, it is manifest that the oppressions which had scandalised the government of the later Stewarts, did not arise so much from the despotic strength of the Scottish institutions, as from the position acquired by the monarch from the union of the crowns. However well the lawyers might learn, in the French universities, the divine-right doctrines which the imperial jurists had derived from the pagan deification of the later Roman emperors, and might even diffuse them through the Scottish institutions on their return, they obtained for them a theoretical acknowledgment only—they could not secure absorption into the national character. In fact, it was after the union of the crowns that Scotland really felt what it was to be under a strong despotism. It is true that, in Scotland, privilege and prerogative were not nearly so distinctly marked off as in England. The freedom of the people depended more on the feebleness of the crown than on the defined limits

of the prerogative, or the largeness of the people's privileges. But when the Scottish monarch sat on the throne of England, that feebleness existed no longer; and from the moment when James VI. bent his steps southward, the prerogative was exercised with a new vigour, which any national institutions protective of liberty were not compact enough to resist. The monarch stood no longer on the efficacy of a doubtful prerogative, but on the strength of a great army and exchequer: and the tone of regal authority became more and more autocratic, until the memorable proclamation which preceded the Revolution came forth, "by our sovereign authority, prerogative-royal, and absolute power, which all our subjects are to observe without reserve."

If the old freedom were not embodied in representative privileges, and specific restrictions on the royal power, its spirit yet lived, and came forth from time to time in the series of resistive operations which shook the country from the Covenant to the Act of Security. It was natural that in the lapse of a century of contest, the never very distinct constitutional principles of the Scottish government should become still more vague. The Fletchers and other lovers of liberty brought up in the Sidney school, and inheriting, in a generalised form, the practical lessons of the English parliamentary party, gave utterance to sentiments which had more of a classic vagueness than the precision of defined constitutionalism. They thus spoke of their ancestors as of Brutus, Cato, Cincinatus, or Aristides; but there was more substantial truth in these declamations than political writers have been inclined to concede to them.*

* Thus Fletcher of Saltoun, in the debates of 1705, preceding the Treaty of Union, said:—"Though in limited monarchies all good men profess and declare themselves enemies to all tyrannical practices, yet many even of these are found ready to oppose such necessary limitations as might secure them from the tyrannical exercise of power in a prince, not only subject to all the infirmities of other men, but, by the temptations arising from his power, to

On the whole, the character of the people of lowland Scotland, and the nature of the national institutions, were elements of hopefulness in the great experiment of the Union. But it was too little remembered in Scotland, and wholly overlooked in England, that, in the Highland tribes, the Scots brought with them into the new empire a people separated from themselves by a shadowy line, yet as different from all other inhabitants of the island in habits, opinions, language, costume, and almost every other emblem of national character, as if they had been found on the African shores of the Mediterranean, or on the slopes of the Himalayas. How much the united kingdom suffered from ignorant neglect of this peculiar people, we shall hereafter see; but the reference to them naturally introduces the remark, that many of the calamities following on the Union had much encouragement, if they did not spring, from that haughty English

far greater. This humour has greatly increased in our nation since the union of the crowns; and the slavish submissions which have been made necessary to procure the favours of the court, have cherished and fomented a slavish principle. But I must take leave to put the representatives of this nation in mind, that no such principles were in these kingdoms before the union of the crowns; and that no monarchy in Europe was more limited, nor any people more jealous of liberty than the Scots. These principles were first introduced among us after the union of the crowns, and the prerogative extended to the overthrow of our ancient constitution chiefly by the prelatical party; though the peevish, imprudent, and detestable conduct of the Presbyterians, who opposed these principles only in others, drove many into them, gave them greater force, and rooted them more deeply in this nation."—*Fletcher's Works*, p. 200.* This was an echo of the opinions proclaimed a century and a half earlier by Buchanan, in his dialogue "De Jure Regni apud Scotos." It has been, in a legitimate enough manner, suspected that this great scholar and rhetorician must rather be considered an innovator and founder of bold originalities, than the voice of contemporary opinion and truth. Buchanan, indeed, seldom lost an opportunity for inculcating free opinions; and, having to create histories for a long line of fictitious kings, he could mould their destinies as the novelist does the fate of his characters,—making the good king reign supreme in the hearts of his people, and hurling the tyrant from the throne at their bidding. But less ingenious and bold speculators among the old Scottish writers have given voice to the same doctrines. Without allusion to the poets—such as Lindsay, Dunbar, and Henryson, who breathe the spirit of freedom—Major, a grave prosaic Sorbonnist, who spent his

nature, which would not condescend to sympathise in, or even know, the peculiarities of their new fellow-countrymen.

The people of Scotland, indeed, knew England much better than the people of England knew Scotland—perhaps as any village knows a metropolis better than the people of the metropolis know the village. Those who pursued historical literature, it is true, were acquainted with the emphatic history of the people inhabiting the northern part of the island, and were taught by it to respect or fear them; but the ordinary Englishman knew no more about them than he did about the natives of the Faroe or Scilly Isles. The efforts of the pamphleteers to make Scotland known to the English, at the period of the Union, are like the missionary efforts at the present day to instruct people about the policy of the Caffres or the Japanese.*

best days under despotic rule in France, speaks of his home-freedom as emphatically as Buchanan, though in worse Latin. So, in considering the claims of Bruce to the succession, he reasons thus:—"Populus liber primo regi dat robur, cujus potestas a toto populo dependet: quia aliud jus Fergusius primus rex Scotiæ non habuit. . . . . Regem et posteros pro demeritis populus potest exauthorare, sicut et primo instituere. . . . Licitum est populo libero in casu regem indubitatum cum posteris ejicere a regno, et novum regem nullum jus in regno habentem instituere; ergo, a fortiori, licitum est regem ambiguum in simili casu exauthorare, et ambiguum inthronizare."—*De Gestis Scotorum*, pp. 175, 176.

* For instance, in a pamphlet called "A Manifesto, asserting and clearing the Legal Right of the Princess Sophia, and her Issue, the Serene House of Hanover, to the Succession of Scotland," we have (p. 7)—"For religious matters, the Scots have in each village a priest—in the greater villages, two. The priest officiates in the temple of the village by prayers, but chiefly by harangues, that are usually directed against impiety and vice, and exhorting to virtue. This man, and a certain number of the villagers, chose by him and his party, exercise what they call the discipline—that is, they admonish the faulty, suspend 'em from the holy ceremonies, and even eject 'em from their temples; but, on their submission and promise of future regularity, and of obedience to the masters of the discipline, having first exposed them to public scorn, by setting them some hours on the stool of penance in the temple, they forgive and absolve them.

"If the person censured thinks himself wronged, he may appeal from the parish judicatory to the *classis* to which his parish is subject. This classis

"Had it been only among the humbler classes that this unsympathising ignorance prevailed, it might have had little influence. But we shall too soon have to see that it went pretty far upward in the social scale, and prevailed in quarters where a more enlightened sense of political duty ought to have been found. This proud peculiarity of the English temper cast its early shadow on the prospects of the united realm. It was only too well met by the irritable and haughty spirit of the poorer country; and the lamentable conjunction makes itself too conspicuous in the chapters which must follow, to court more full prospective notice.

is an assembly of ten, twenty, or thirty priests, assisted by a like or greater number of those priests that, with them, must exercise the discipline in each village."

APPENDIX.

MASSACRE OF GLENCOE.—p. 160. *et seq.*

After this volume had been nearly all printed, the author was permitted to inspect a collection of papers in the Charter-Chest of Breadalbane, having general reference to the date of the Massacre of Glencoe. He found among them several letters which, though all unsigned, bear conclusive evidence that they were addressed by Sir John Dalrymple to Lord Breadalbane. They rather confirmed, than shook, the views which the author had adopted and printed; and having been courteously permitted by the Marquis of Breadalbane to select the following letters for publication, he solicits the reader's attention to their very significant contents, and their reference to the statements and remarks in the text:—

London, Oct. 27, 1691.

My Lord,—I have yours of the 7th from Balloch. I am not surprised at the difficulties you find. It's a work fit for your dexterity, and I doubt not you will be able to finish it, and thereby serve your friends and neighbours as much you do their Majesties; but the great success of their Majesties' armes, in the entire reduction of Ireland, must convince the most obstinate that France was not in condition to support that great body of papists whose harbors and situation ly equally advantageous for France and the certain ruin of England. Now, when the King can spare 20,000 men to join his armies abroad, what hopes can remain of more assistance from France, which will not be able next year to preserve itself; which, instead of making a conquest of Savoy, both, by its downright violence, rendered that Prince their irreconcilable enemy, who not only allowes the allies to pass upon that side where France is without any defence, but joins all his harassed people to make up their stocks by the spoil of France. I must say there is no Prince alive but ours whose success should not have tempted him to hearken to the earnest desires of all those he trusts in his government there, rather to have made the Hylanders exemples of his justice, by extirpating them (which your Lordship well knowes to be as much some men's designe, as it's now practicable, tho' perhaps it was not so likely when you entered in this negotiation). It must be a strange inadvertency if the Hylanders be not convinced of the King's extraordinary goodness to them when he is content to be a charge to accommodate them, and give them the plain prospect of future peace, security, and advantage, when he can gratify many by destroying them with as little charge. And certainly, if there do remain any obstinacy, these advices will take place. The King, by the offer of his mercy, hath sufficiently shown his good intentions; and by their ruin, he will rid himself of a suspicious crew.

My Lord, if single persons have been debauched, you will easily find out by whose means, and it can not take off the reputation of the service you do. On the contrair, it leaves roome for examples of necessary severity, but all the rest must be willing sincerely, to give their assistance to root out these quickly who stand out. And your Lordship bein prepared to give the account, how that shall be soon done, it's as well as if they had come in.

For the scruple that's moved, that R. Catholicks were never formerly pressi to take the oath of allegiance,—my Lord, I'll not reflect upon the long project of favoring these too much, but I shall acknowledge it was hard for any man to own himself a papist, and swear that the pope had no jurisdiction, civil nor ecclesiastical, within the kingdom. And then the oaths of allegiance and supremacy were so twisted, that it was many times thought all one to destroy a man for being a papist, and for him to do a contradiction to what in conscience he did profess for his religion. But now the oath of allegience wants all these intricating catching things, and contains no more but faithfull allegiance to their Majesties, which no papist formerly did ever deny, and you can not allow that papists should be exempted from the owning of their Majesties' authority, where protestants are obliged as well as they; when they are not singularized, they have no cause to complain. Let them reflect whether upon this revolution, when in their favors all the invasions had been made that occasioned the revolution, did they believe that the King could have been so faithfull to his declaration, that even papists should have protection and justice. Before he took the government, what inclinations did the rabble shew against not only papists who were really obnoxious, but even against protestants for trifles of church government? We must all acknowledge the greatest moderation and patience on the King's part, which appears as much in the restraining the government as in pardoning and accommodating his enemies. But if the papists will, by shunning the allegiance, plainly tell us that they will never own their Majesties' authority, then there's no treating. The opportunity is to be layd hold on. All the papist chieftans stand forfaulted by act of Parliament, and it ought to be made effectuall. My Lord, you have done very generously, being a Campbell, to have procured so much for M'Donalds, who are the inveterate enemies of your clan; and both Glengary and Keppoch are papists, and that's the only papist clan in the Hylands. Who knows but by God's providence they are permitted to fall into this delusion, that they only may be extirpate, which will vindicate their Majesties' justice, and reduce the Hylands without further severities to the rest? My Lord, I see well enough the practices of some, both in the government and out of it, but we must do as the wise men of the Mers do—both ken and mis-ken at present. For the officers who pretend to passes, you have four for the principall persons who may gett some livlyhood abroad, but for the rest, it's not fit to let too many go, who will always be endeavouring to maintain correspondence to ruin the Hylands with vain delusions, which, after this indemnity, would be severely punished, but likwys these unhappy people will meet with no entertainment from France. You know how much these Scots officers who run basely over in the spring when things looked otherways do repent: they want bread. France hath too many ordinary officers of its own. They want common souldiers; and these giddy people can expect no preferment, except they could carry over men as they do pretend from Ireland, and you will see that some will fail there, for few or none will go over of common people to lie knokt on the head without hopes of rising. Therefore, I do not see its fit either for the public service, the peace of the Hylands, or the advantage of these officers, to gratify them in these things. If they carry themselfs dutifully for the time to come, they may expect that the King will rather pity them and employ them who are bred to armes as he sees cause, which is better service than any souldier of fortune can expect elswhere, and this should

oblige them to do something frankly, both as to themselfs and advising the clans, that may engage the King to trust them. In short, sticking or not doing cheerfully is all one as refusing, for if it were not that the King values the reputation of his word, that he will not fail any body that trusts to him, it could not be expected he would now have, after all the countermeting in this matter, entered into these measures, if it were quite entire. Therefore, were I in Lochiell's place, or Glengary's, or any else that are men of appearance and discretion, I would presently take the oaths and come up and kiss their Majesties' hands, whereby they would secure to them both their Majesties' favor and be free from all temptations to further mischief. And I do not doubt they would get such a reception as would create a full confidence on both sides for the future. And if there be anything more then whats treated necessary for them, thats the only way to obtain it. For anything I can finde, Argyle is not in ill temper. If the Marq. of A. [Athol] knew what a reverend opinion they have of him, either at St Germains or Versailles, he would stickle none, and really I have the charity to think his lordship does not so much obstruct this settlement in favors of K. J. as to have some interest in the doing of it to recommend himself to King William, in which case he's to be excused. But he's a fool that's caught with such a bait.

London, November 3, 1691.

My Lord,—I shew yours of the 27th of the last to the King. I am sorry for the difficulties you find. I wrote fully to you about the passes which his Majesty refused to grant to the officers, because that would always continue the correspondence and maintain the project to disturb the peace of the country by amusing the Hylanders if many persons should go abroad from them. I confess I easily see these who have no way for subsistence left will endeavour to keep up the clans, but this is not in my power to alter. That part of the treaty with Limerick we do not like, and you will see ways will be taken that few shall gott abroad: for Keppock, agreeing with M'Kintosh, that's plainly to lose the King the tuelff hundred merks yearly, which must come of feu duty to the Crown. Its impossible to pretend that papists shall be free of this oath of allegience, which contains no articles that can choque their conscience, there being no insinuation in it of ecclesiastick grounds, but only the civill right; and I am sorry to remember you how far the King's supremacy (which they think belongs to the Pope) is taken from him by Act of Parliament, so there can be no struggle that the generall terms of true and faithful allegience does include or insinuate any ecclesiastick authority. But my fear is never that papists will break square for that oath, but in reality do apprehend they have some intelligence of the squadron of French ships that came out after the market to relieve Limerick, and till they know these are got home again, and till that be known they will follow their old delusions to hope for men and money from that side. But if it stick here they will quickly find themselfs undeceived; but their delay showes their readines to make inquiries after their treaties, and so they will lose the thanks that their anticipating the day might have brought them, and both detain you there and keep from you some part of the reputation to have at once done great service to your prince and to your neighbours. I wrote to you formerly that if the rest were willing to concur, as the crowes do, to pull down Glengary's nest this winter, so as the king be not hindered to draw four regiments from Scotland, in that case the destroying him and his clan, and garrisoning his house as a middle for communication betwixt Inverlochy and Inverness, will be full as acceptable

as if he had come in. This answers all ends and satisfies those who complain of the king's too great gentleness. I expect to hear from you what assistance you will get of the clans, whether dragoons can be carried there in winter this year, where there is so much fodder every where, and what regiments of foot will be necessary to take the house and ruin that clan; for as soon as ever we understand your final opinion, the forces must be presently sent that will be necessary, otherwise the poor country would be ruined by sustaining all the troops now in Scotland all the next year. In short, I hope you shall be able to overcome all these difficulties, if not clear yourself and come to us, that these parts may be made sensible of their madness in refusing the happiness you have been at so much trouble to procure for them. The King hath said to D. Q. [Duke of Queensberry] that he will very shortly end all Scots affairs; but if you be here any time in November, you will not come after the market. I need not tell you here your enemies insult on the apprehensions that the Highlanders will say that the sham articles were true; and therefore I am sure you will do all that's possible to confute these mutters, and let me hear the methods you think best to reduce Glengary, and what assistance you are sure of, and what of the forces you will need.

My dear Lord, Fairweill.

Lady Isobell Campbell is earnest your Lordship should dispose my Lord Argyle to content to apply a part of the money he is to have, if all hold, towards her payment. If he be not willing, she will apply to the King, which will not be so right.

END OF VOL. I.

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